

STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

Book III—PART 2

EVENTS FOLLOWING
THE WATERGATE BREAK-IN

June 20, 1972—March 22, 1973



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STATEMENT OF INFORMATION

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 20, 1972 - March 22, 1973

Part 2

• ...

48. On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

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48.1 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, February 28, 1973, 1, 42-43, 45-46.....	724
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49. On March 1, 1973 the President met three times with John Dean in the Oval Office -- from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

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50. On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff in July and August at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

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50.1 President Nixon news conference, March 2, 1973,
9 Presidential Documents 214, 219-20.....744

51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.

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52. On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee.

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53. On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

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See Book II, Paragraph 37 and Book II, Paragraph 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.

54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

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54.2	John Ehrlichman testimony, -7 SSC 2786-88.....	780

55. On March 8, 1973 Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

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56. On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

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56.1 President Nixon statement, March 12, 1973,
9 Presidential Documents 253-54.....796

57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.

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57.1 Washington Post, March 14, 1973, A1, A12.....800

57.2 John Dean testimony, 3 SSC 995.....802

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58. On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March'13, 1973 meeting:

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59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

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59.4	Richard Moore testimony, 5 SSC 1973.....	894
59.5	<u>Washington Post</u> , March 15, 1973, A1, A8.....	895

60. On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

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60.1 President Nixon news conference, March 15, 1973,
9 Presidential Documents 271-73.....898

61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received \$130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.

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61.4 Charles Colson draft statement prepared for delivery to SSC, September 1973, 37-38 (received from SSC).....	924

62. On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean told the President that Dean had been over this like a blanket. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House

was involved. The President said that Magruder put the heat on, and Sloan starts pissing on Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman." The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg break-in.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

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62.4 White House edited transcript of meeting between President Nixon and John Dean, March 17, 1973.....	941

63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.

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63.3 U.S. Secret Service White House Appointment Record for Paul O'Brien, March 19, 1973, 5:20 p.m. (received from Watergate Grand Jury).....	949

64. On March 20, 1973. John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

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64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).....	960
64.4 John Ehrlichman log, March 20, 1973 (received from SSC).....	963

65. On March 20, 1973 Dean had a conversation with Richard Moore, Special Counsel to the President. Dean told Moore that Hunt was demanding a large sum of money before his sentencing on March 23, and that if this payment were not made, Hunt was threatening to say things that would be very serious for the White House. After this conversation, Dean and Moore met with the President from 1:42 to 2:31 p.m. According to information furnished to the Senate Select Committee by Special Counsel Buzhardt, the President and Moore agreed that a statement should be released immediately after the sentencing of the defendants. According to Moore, following this meeting he told Dean that Dean should tell the President what he knew. According to Dean, Dean told Moore that Dean did not think the President understood all of the facts involved in the Watergate and particularly the implication of those facts and that Dean felt he had to lay those facts and implications out for the President.

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66. On March 20, 1973 John Dean had an evening telephone conversation with the President during which he arranged a meeting with the President for the next morning. According to the edited transcript of this conversation made public by the White House, Dean requested a meeting with the President to go over soft spots and potential problem areas. Dean said that his prior conversation with the President had been "sort of bits and pieces" and that he wanted to paint the whole picture for the President. The President agreed to such a meeting, and the President also instructed Dean to try to write a general statement like one that would state categorically that based on Dean's investigation Haldeman, Colson and others were not involved in the Watergate matter.

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66.1 White House edited transcript of tape recorded
telephone conversation between President Nixon
and John Dean, March 20, 1973..... 980

67. On March 21, 1973 the President met with John Dean from 10:12 to 11:55 a.m. H.R. Haldeman joined the meeting at approximately 11:15 a.m. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 morning meeting:

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67.1 Tape recording of meeting between the President and John Dean, joined later by H.R. Haldeman, March 21, 1973, 10:12 - 11:55 a.m., and House Judiciary Committee transcript thereof.....	990
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68. On March 21, 1973 at 12:30 p.m. H.R. Haldeman spoke by telephone to John Mitchell, who was in New York City. In addition to reflecting the 12:30 p.m. call, Haldeman's telephone log for that day also shows a conversation with John Mitchell's office at 4:06 p.m. with a marginal notation "car - 9:30 a.m. (word illegible) Nat'l -- Amer 520." Haldeman has testified that he does not recall asking Mitchell on March 21 whether Mitchell was going to take care of Hunt's demand for money.

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68.1	H.R. Haldeman telephone log, March 21, 1973 (received from Watergate Grand Jury).....	1118
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68.3	John Dean testimony, Watergate Grand Jury, February 14, 1974, 16 (received from Watergate Grand Jury).....	1133

69. On the afternoon of March 21, 1973 Dean met with Haldeman and Ehrlichman. Ehrlichman and Dean have testified that the participants at the meeting speculated about John Mitchell's role in the Watergate affair, and wondered whether Mitchell's not coming forward was the cause of the beating everyone was taking on the subject of Watergate. Dean and Haldeman have testified that in the late afternoon of March 21, just before their second meeting with the President on that day, Dean told Haldeman that perhaps the solution to the whole thing was to draw the wagons around the White House. According to Haldeman, Dean also said that they should let all the chips fall where they may, because that would not hurt anybody at the White House since no one there had a problem.

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69.3 John Ehrlichman testimony, 7 SSC 2741-43, 2756.....	1138
69.4 John Dean testimony, Watergate Grand Jury, February 14, 1974, 17 (received from Watergate Grand Jury).....	1142
69.5 John Dean testimony, 3 SSC 1000, 1092.....	1143
69.6 H.R. Haldeman testimony, 7 SSC 2899.....	1145

70. On the afternoon of March 21, 1973 from 5:20 to 6:01 p.m. the President met with Haldeman, Ehrlichman and Dean. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 afternoon meeting:

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Possibility of pardon or clemency for Hunt	5-6
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Existence of persons with knowledge	7-8
Written report by Dean on which President at some later time could be shown to have relied	12-19, 23, 30-32
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Possibility of Magruder, Chapin, Dean and Haldeman going to jail	25-28
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70.1 Tape recording of conversation among the President, H.R. Haldeman, John Ehrlichman and John Dean, March 21, 1973, 5:20 - 6:01 p.m., and House Judiciary Committee tran- script thereof.....	1148
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71. On the evening of March 21, 1973 Fred LaRue caused approximately \$75,000 in cash to be delivered to William Bittman, attorney for E. Howard Hunt. Earlier that day LaRue had called Mitchell when Dean refused to authorize the payment to Hunt, and Mitchell had approved the payment to Hunt.

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72. On April 17, 1973 the President issued the following public statement:

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

In his address to the nation of April 30, 1973 the President stated that in March 1973 he received new information regarding the involvement of members of the White House staff in the Watergate affair, and that:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

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72.1	President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.....	1240
72.2	President Nixon address to the nation, April 30, 1973, 9 Presidential Documents 433-34.....	1241

On the evening of March 21, 1973 the President dictated his recollections of the events that had occurred on that day.

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73.1 Dictabelt recording of the President's recollections of March 21, 1973, and House Judiciary Committee transcript thereof.....	1244
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74. On the morning of March 22, 1973 at 11:00 a.m. H.R. Haldeman, John Ehrlichman, John Mitchell and John Dean met in Haldeman's office. Haldeman, Ehrlichman and Dean have testified that at this time Mitchell indicated that E. Howard Hunt was not a "problem any longer." Mitchell has denied making such a statement. At this meeting, according to Ehrlichman and Haldeman, Mitchell stated that the Administration's rigid executive privilege policy was untenable, both from a legal and from a political standpoint, because it appeared to the public to be a cover-up on the part of the President. Haldeman testified that most of the discussion at the meeting concerned approaches to dealing with the situation, rather than a review of the facts.

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74.9	John Dean testimony, SSC Executive Session, June 16, 1973, 129-31.....	1272
74.10	John Mitchell testimony, 4 SSC 1663.....	1275

75. On or about March 22, 1973 John Ehrlichman met with Egil Krogh at the White House. Ehrlichman assured Krogh that Howard Hunt was stable or more stable, that his recommendation was just to hang tough, and that Hunt was not going to disclose all.

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STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 20, 1972 - March 22, 1973

Part 2

48. On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

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NOMINATION OF LOUIS PATRICK GRAY III

WEDNESDAY, FEBRUARY 28, 1973

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 10:45 a.m., in room 1202, Dirksen Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, McClellan, Ervin, Hart, Kennedy, Bayh, Byrd of West Virginia, Tunney, Hruska, Fong, Scott, Thurmond, Cook and Gurney.

Also present: John H. Holloman, chief counsel, and Francis C. Rosenberger, Peter Stockett, and Thomas D. Hart, professional staff members.

The CHAIRMAN. These hearings are on the nomination of L. Patrick Gray III, to be Director of the Federal Bureau of Investigation.

Senator Ribicoff.

STATEMENT OF HON. ABRAHAM RIBICOFF, A U.S. SENATOR FROM CONNECTICUT

Senator RIBICOFF. Mr. Chairman, we, in Connecticut, are proud of Pat Gray, and so am I. We, in Connecticut, respect Pat Gray, and so do I.

Mr. Chairman, I have known Pat Gray for many years. I have always found him to be a man of outstanding ability, character, and integrity. Every job that Pat Gray has performed he has performed with excellence. There is no question in my mind that Pat Gray is a dedicated public servant who will perform any task assigned to him in a nonpartisan manner. I respect the FBI, and the entire Nation respects the FBI. The FBI is one of the great law enforcement institutions in America. All of us know that when youngsters come to visit Washington, one of the first places they want to see is the FBI.

There is no question in my mind that as Director of the FBI, Mr Gray will perform his tasks on a completely nonpartisan basis. In all the years I have known Pat Gray he has never questioned the civil rights of individuals and the protection of constitutional guarantees. My feeling is that only the criminal has much to fear from Patrick Gray, and that the law-abiding citizen has nothing to fear from Pat Gray. He will be a defender of our rights, a defender of the Constitution, and law enforcement in this Nation will be stronger with Pat Gray as Director of the FBI. He has my unqualified support.

(1)

Mr. GRAY. Yes, sir, that is correct, Senator.

Senator ERVIN. And your investigation of the history of the practice satisfied you that this information was gathered for the benefit of those FBI employees who may have a reason to contact these Congressmen for the FBI in the dealings between Congress and the FBI.

Mr. GRAY. Yes, sir. Right here at the national level men like Inspector Dave Bowers, who conduct this kind of relationship with the Congress, who really—really it is a congressional services unit and that is what I have changed it to in the reorganization. Those men are doing that now and are in what we call today the congressional services unit.

Senator ERVIN. As I understand from your letter and other public statements made by you, this practice has been discontinued and the FBI relies upon such things as the "Congressional Quarterly" and other public information for any information of this character?

Mr. GRAY. Right. I shut it down over the recommendations of the people in the Bureau that it be continued and I said absolutely not, it will not be continued. It is too readily subject to misinterpretation and we don't need it.

Senator ERVIN. As you know, the Senate has imposed upon me and other members of the Senate Select Committee on Presidential Campaign Activities a very solemn and serious responsibility in connection with the so-called Watergate affair and various ramifications connected with it. I would have been happy if I could have asked you some of these questions I am now going to ask you after that committee has discharged those responsibilities. However, in view of the fact that your nomination has been submitted now, I am compelled in the nature of things to ask you these questions.

Mr. GRAY. Senator Ervin, I understand that. I would hope, of course, we would not get into the Watergate substantively, but I can readily see that the members of this committee have got to be assured that I went at this with the FBI's standard procedure, with its accustomed vigor, and I will do my very best to respond to any of your questions. I have absolutely nothing to hold back in connection with that and if we are going to take two bites of that apple why so be it, let's get on with it.

Senator ERVIN. I have received by telephone the assurance of the Attorney General that he and the Department of Justice will cooperate with the committee in the effort of the committee to investigate these matters. I take it from your statement a moment ago that you are also prepared to cooperate with the committee.

Mr. GRAY. Absolutely, sir. Our raw data, our memoranda, whatever [this committee wants, whatever the Ervin Select Committee wants, is available to the members.

Senator ERVIN. I am frank to state that I am just a little bit troubled by the limitation that you announced, that only members of the committee, that is only Senators, shall be allowed to inspect these raw files, because I have got 10,000 other jobs besides that of investigating Watergate and I think that is true of all the other members of the committee.

Mr. GRAY. I understand that, Senator.

Senator ERVIN. The Senate resolution authorizing and requiring this investigation specifies that the only people who can have access

to these files would be either the members of the committee or the chief counsel to the committee or the counsel for the minority or other members of the staff of the committee who might be designated by the chairman and the ranking minority member of the committee.

Mr. GRAY. You are talking about your Ervin Select Committee?

Senator ERVIN. Yes.

Mr. GRAY. I have no quarrel with that. We will comply with the resolution of the Senate. But I am talking about the procedure now, because Senators here who are members of this committee obviously are going to want to know how Gray handled the Watergate before they are going to confirm this bloke for my position and I am prepared to tell you.

Senator ERVIN. In other words, I would think that the minority ranking member, who is now elected vice chairman of the committee, Senator Baker of Tennessee, would not want anybody but the most reputable person to look at the files but we would like to have a member of the staff selected by both of us to do this work instead of doing it in person.

Mr. GRAY. Senator, as far as your committee is concerned, we in the FBI will abide by the joint resolution. I have some people I have to take some orders from, too. On the one hand, there were some who criticized Mr. Hoover for being a feudal baron and now maybe it seems I sense a little criticism of me because I am taking orders, but I am trying to comply. I am saying to this committee that my position has been from the beginning that we have nothing to hide and I am going to state it on the public record because I have stated it on the private record.

Senator ERVIN. Yes, that is the reason that I am concerned that Senators not be the only ones who will have to do this work and so I understand—

Mr. GRAY. I meant, Senator Ervin, for this committee I am willing to send over the materials and I am willing to send over two agents and a Senator can sit down with them and question them any way they want.

Senator ERVIN. And I might state that as far as I am concerned and as far as I can control the matter, it is not the purpose of the committee to take and put any raw files or anything of that character in evidence. We just don't want to have to put the taxpayers to the expense of setting up a little FBI of our own to conduct investigations which have been made by the FBI. We want to learn from the FBI files who are witnesses possessing some knowledge which is worthwhile for the committee to hear.

Mr. GRAY. Right, and we have analyses and all other kinds of books and summaries and we will provide that to the Ervin Committee. We have no problem on that.

Senator ERVIN. Mr. J. Edgar Hoover never had a more ardent admirer in the United States than myself, and there is nobody in the United States who has respected throughout the years the work of the FBI more than I have respected it. As a practicing attorney and as a judge I had many contacts with the FBI agents. I have been impressed by the highest standard of conduct and the high character which they possess.

Mr. GRAY. Thank you, Senator Ervin.

tell you. To give you that information I am going to have to take time to tell you how we progressed on this investigation.

Senator ERVIN. Well, that wouldn't be a likely procedure to be permitted by the FBI, would it?

Mr. GRAY. Of course not. We certainly would not.

Senator ERVIN. So you, at the present time, can neither affirm nor deny that statement.

Mr. GRAY. No, I don't because I can't; I can't say with any degree of certainty testifying under oath that he was or was not.

Senator ERVIN. I take it that you give the committee your assurance that if any such event happened, that is if any copy of the FBI interview was given to Mr. Segretti it was not given by you or with your knowledge or consent.

Mr. GRAY. It was not done with my knowledge or consent, that is true. But I can go into it further if you want me to explain how it possibly could.

Senator ERVIN. Yes, I would like to have that.

Mr. GRAY. When we started out this investigation, it was the most closely held investigation that we have conducted in the FBI because of the fact that we did not know who might become involved. Dissemination of information on this was very limited, at my explicit order, and with the concurrence of the Attorney General of the United States.

Now there was that contact between the case agents and the Assistant U.S. Attorneys that traditionally occurs in an investigation. There was contact also with the assistant attorney general of the criminal division, and in accordance with then standard FBI operating procedures, on June 19 there was delivered to me a summary report of what had transpired to date, facts and circumstances, in Watergate. Coupled with that was a letterhead memorandum, as I recall it, and I will introduce those documents for the record here, a letterhead memorandum transmitting this information to the Attorney General, and a letter prepared addressed to H.R. Haldeman. I said no, and I stopped it right then and there. That was in accordance with then standard FBI operating procedure. The material just came up, and I said no.

Now, as time went on we finally began delivering the investigative reports to the assistant attorney general of the criminal division and we have a listing of the dates on which we did that and I will submit that for the record. Then, I think it was the middle of July, about the 19th, I was asked by the White House, by John Dean, to provide them with a letterhead memorandum because he wanted to have what we had to date because the President specifically charged him with looking into any involvement on the part of White House staff members.

I asked my legal counsel to prepare a memorandum regarding whether or not we had a duty to send any material to the White House. The answer came back: On our own initiative, no; in response to a directive from an individual acting for the President of the United States, that is another matter and we do.

So I had prepared, caused to be prepared, a letterhead memorandum, dated July 21, and we will submit that for the record, and that was submitted to the Attorney General. I have every reason to believe

that that went over to Mr. Dean at the White House. I have no reason to question that it should or should not, because I work for the President of the United States and I think the President of the United States is entitled to ask the Director of the Federal Bureau of Investigation: "What information do you have that implicates individuals who are members of my staff?" And I submitted it.

Later on, Mr. Dean asked to review the interview reports of the Federal Bureau of Investigation, and I submitted those to him. So you see the possibility here, Senator, and I think what is being driven at in this, the allegation is really directed toward Mr. Dean having one of these interview reports and showing it to Mr. Segretti down in Miami. I can tell you this, that when this newspaper report hit I called John Dean and I asked him if he had done this, and he said: "I did not. I didn't even have those documents with me."

Senator ERVIN. Now, am I correct in inferring that it had been the practice to supply information collected by the FBI, either in the form of summaries or in the form of copies of interviews, to officials of the Department of Justice or the district attorneys?

Mr. GRAY. Our regular procedure, Senator Ervin, of course, is to work very closely with the assistant U.S. attorneys and with U.S. attorneys, and then at FBI headquarters levels to work with the Assistant Attorney General having cognizance of the case, and the answer to your question is "Yes; we keep them informed." In this case we were even tight with information there.

Senator ERVIN. Let me see if I understand another thing you said. Some information or a summary of some information collected by the FBI in regard to some aspect of the Watergate matter, accompanied by a proposed letter, was to be sent to Mr. Haldeman?

Mr. GRAY. Yes, sir; that happened on June 19, and I will submit those documents for the record. I will show them exactly as they came up to me, and I said "No."

(Mr. Gray subsequently submitted the following documents:)

JUNE 19, 1972.

To: The Attorney General from Acting Director, FBI.
Re James Walter McCord, Jr., and others, burglary of Democratic Party National Headquarters, Washington, D.C.

Enclosed is a memorandum containing the results of investigation of the burglary of the Democratic Party National Headquarters, Watergate Apartments, Washington, D.C., on June 17, 1972.

A copy of the memorandum has also been furnished to Honorable H. R. Haldeman, Assistant to the President. Investigation concerning this matter is continuing and reports of investigation will be furnished to the Criminal Division as soon as they are received.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., June 19, 1972.

Hon. H. R. HALDEMAN,
Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. HALDEMAN: Enclosed is a memorandum containing the results of investigation of the burglary of the Democratic Party National Headquarters, Watergate Apartments, Washington, D.C., on June 17, 1972.

A copy of the memorandum has also been forwarded to the Attorney General and investigation by the FBI is continuing.

Sincerely yours,

L. PATRICK GRAY, III,
Acting Director.

49. On March 1, 1973 the President met three times with John Dean in the Oval Office -- from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

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49.2	Memorandum of substance of Dean's calls and meetings with the President, March 1, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 1794-95	737
49.3	John Dean testimony, 3 SSC 993-94	740

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MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972

PM		The President met to sign personal legal documents with:
12:45	1:11	The First Lady
12:49	1:09	John J. Ratchford
12:49	1:11	Mr. Butterfield
12:49	1:11	Mr. Haldeman
12:49	1:12	Mr. Ehrlichman
12:49	1:12	John W. Dean, III
12:49	1:12	John H. Alexander
12:49	1:12	Richard S. Ritzel

No other contact during August 1972

September 15, 1972

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PM The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

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January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)

✓ (Mr. Kissinger was present from 10:30 - 10:37.)

PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

WH

March 10, 1973

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AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

WH

March 16, 1973

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AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

WU

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:
Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01) 101530
✓ Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:
Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

WH

49.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN DEAN, MARCH 1, 1973

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

W/H

3. MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

DR

September 15, 1972 Dean reported on IRS investigation of Larry O'Brien.
Dean reported on Watergate indictments.

February 27, 1973 Discussed executive privilege, minority counsel
for Watergate Committee. Dean suggested White
House aides submit answers to interrogatories.

February 28, 1973 President inquired of Watergate. Dean said no White
House involvement, Stans was victim of circumstances,
Colson was lightning rod because of his reputation.
Discussed wiretappings which had been brought up
in the Gray hearings. Sullivan, Deputy Director,
was friend of Dean and Dean suggested they make
sure that wiretaps of prior years (other Administra-
tions) be made known.

March 1, 1973 Preparation for press conference -- go over question
and answer book. Was decided the question would
come up as to why Dean was sitting in on FBI inter-
views and that the reason was he was conducting an
investigation for the President. President asked
Dean to write a report. Dean was also critical of
Gray.

(March 2 press conference)

March 6, 1973 Discussed executive privilege guidelines, decided
to cover former White House personnel as well as
present.

March 7, 1973 Again discussion executive privilege guidelines.
Dean again told the President the White House was
clear. The President inquired as to how Pat Gray
was doing. Dean informed him E.B. Williams had
dropped out of the civil case.

SOURCE: SSC 1/22/74.

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EXHIBIT NO. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL.

Plaintiffs

v.

RICHARD M. NIXON,
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D.C.

Defendant

)
)
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)
)
) Civil
) Action
) No. _____
)
)
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AFFIDAVIT OF FRED D. THOMPSON

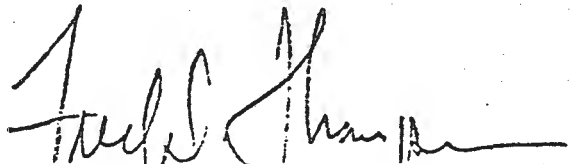
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

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2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to before
me, this 9TH day of August 1973

Notary Public, D.C.
My Commission Expires 14 May 1974

involved in an obstruction of justice. He would not accept my analysis and did not want me to get into it in any detail other than what I had just related. He reassured me not to worry, that I had no legal problems. I raised this on another occasion with the President, when Dick Moore was present.

MEETING OF MARCH 1

The first meeting on this date and the afternoon meeting which occurred on March 1, related to preparing the President for his forthcoming press conference. The President asked me a number of questions about the Gray nomination hearings and facts that had come out during these hearings. In particular, I can recall him stating that there should be no problem with the fact that I had received the FBI reports. He said that I was conducting an investigation for him and that it would be perfectly proper for the counsel to the President to have looked at these reports. I did not tell the President that I had not conducted an investigation for him because I assumed he was well aware of this fact and that the so-called Dean investigation was a public relations matter, and that frequently the President made reference in press conferences to things that never had, in fact occurred.

I was also aware that often in answering Watergate questions, that he had made reference to my report and I did not feel that I could tell the President that he could not use my name. There had been considerable adverse publicity stemming from the Gray hearings and the fact that Gray was turning over FBI information to the Senate Judiciary Committee, which caused the President to tell me at this morning meeting that Gray must be "pulled up short." He told me that he had talked with the Attorney General to tell him to read the chapter in his book "Six Crises," dealing with the *Hiss* case regarding the lack of cooperation which Truman and the FBI had given to his investigation. He also told me the FBI Watergate materials should not be turned over by Gray. I informed him that I had had a meeting several days prior with Mr. Sullivan who had been at the FBI for many years and Sullivan had alluded to the fact that the FBI had been used for political purposes by past administrations. I cited a few examples that Mr. Sullivan had given me. The President told me to get this information from Sullivan. The President told me that he was reading a book at that time called "The 13 Mistakes of Kennedy," and he told me that I should read the chapter regarding Kennedy's use of the FBI. He also told me that I should gather any material I could gather regarding the uses and abuses of the FBI by past administrations so that we could show that we had not abused the FBI for political purposes.

The President told me that he was convinced that he had been wiretapped in 1968 and the fact that DeLoach had not been forthcoming indicated to the President that DeLoach was probably lying. He told me that I should call Don Kendall, DeLoach's employer, and tell him that DeLoach had better start telling the truth because "the boys are coming out of the woodwork." He said this ploy may smoke DeLoach out. I might respond that I never did call Mr. Kendall. He also asked me who else might know about the bugging of his 1968 campaign and I suggested that Mr. Tolson, Hoover's former assistant, might have some knowledge of it. He told me that he probably ought to call Mr.

Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the *Hiss* case and I reminded the President of the strong statement he had made in 1950 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. He asked me to go get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

During the March 1 afternoon meeting the President also asked me some questions about executive privilege and the timing on the release of the executive privilege statement which he had discussed in his press conference on January 31. I told him that the statement, as far as I was concerned, was ready for release and merely would require the signoff of a handful of other people. I told him I thought it could be out within a week.

It was during the days after this series of March 1 meetings with the President that the name Dean began coming increasingly to the forefront in the Gray confirmation hearings, and the rumblings were that there was going to be a situation where Dean could be called to the committee to testify and a number of Senators were anxious to use me as a vehicle to test executive privilege. On March 4 or 5, I had a conversation with Ehrlichman in which I might add occurred in the hall of the West Building, in which I told him that I thought it would be very difficult to maintain a court test of executive privilege over me, when in fact I had only met with the President infrequently and had had very few conversations with him that would be protected. It was following this conversation with Ehrlichman that I began meeting and talking with the President, at his request, with ever increasing frequency. The Presidential meeting of March 6.

Senator ERVIN [presiding]. A vote has been called on a 10-minute basis. I expect the committee had better go and come back. We will finish this statement this afternoon.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. DASH. Mr. Dean, you can proceed. Senator Weicker is here making a quorum, as required by our rules.

Mr. DEAN. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of the Gray hearings and the President reminded me again that I should report directly to him and not involve Haldeman and Ehrlichman with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no

50. On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff in July and August at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

Page

50.1 President Nixon news conference, March 2, 1973,
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faith and to believe in it, and to practice a life of difficulties and hardships and pioneering and to build for the future.

If we had the choice, if people would say to us, "Look, you can only have one friend in this world. Choose," I have no doubt whom we would have chosen. Throughout the years, in these very recent years, you know very well what you and your people mean to Israel.

I have personally very many things to be thankful for in my long life. I include even the difficulties that I had to face, because I can honestly say at least one thing: I never ran away from a difficult situation. I have more courage to face our young men and women at home.

We discussed at the table the heroes, the heroes of the wives and parents of your prisoners of war, the joy that we feel, all of us in the world, that they are coming back to their families. The difficulty to sit around at home for me with a group of these young wives—not very many, thank God, only 13 men in Egypt and in Syria—but I look at these young women, with their little children, and their husbands torn away from them, brave, courageous, or when I have to face widows, orphans, mothers, and fathers who have lost their dear ones—in moments of that kind, I have been able to be stronger in my ability to face these real heroes of all nations, because, Mr. President, you have made it possible for us to know we are not alone.

And again, I have been privileged—I don't know why—that in the last few years I should be the messenger to bring this great message to my people, young and old, and say to my people, "We are not alone; we have a friend." This people, through the man who carries the greatest burden and highest office, through its President, made it possible for us to know in the dangerous position that we still are, that we are not alone.

For this, Mr. President, for all that you have done, for your understanding of what we are striving for, for your not doubting that what we really want is an honest and real and true and lasting peace with our neighbors, that the greatest dream that we are dreaming is to cooperate with our neighbors, to cross the borders not with tanks but with tractors, to help, together with our neighbors, to build the area that has known so much bloodshed and so much war and so much destruction, to build together with our neighbors an area where people, men and women and little children, will be happy and will live and will find all this worthwhile.

When that great day comes—I said the other night to a group of friends, we have a song about peace, what will happen when peace comes, and the song has a refrain: This is not a fantasy, this is not a dream, this is true; if it won't happen today, then tomorrow; if not tomorrow, then the next day, but this is not a fantasy and not a dream.

Mr. President, when that great day comes, and I am convinced that it will come, we will always remember that in days of sorrow and difficulty and danger, we were not alone, we had a friend.

Ladies and gentlemen, to the President.

NOTE: The President spoke at 10:01 p.m. in the State Dining Room at the White House.

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 2, 1973

THE PRESIDENT. I have one announcement for those who are members of the traveling press.

MEETING WITH PRESIDENT THIEU

We have now set the date for the San Clemente meeting with President Thieu, and it will be April 2 and 3. Those of you who desire to go should make your plans, if you could, to leave on the Friday before, because I am going to California to attend a dinner on that occasion for John Ford on Saturday night, the 31st, and then the meetings will start the following Tuesday and will be concluded that week.

I will take any other questions you have.

QUESTIONS

CEASE-FIRES IN LAOS AND CAMBODIA

Q. Mr. President, there has been considerable speculation and interpretation after the Laos cease-fire pact to the effect that the Communists gained more out of this than they did out of the Geneva Accords, and also a situation in Cambodia that no one seems to be able to interpret. Originally you hinged your peace settlement on all of Indochina.

What is your expectation in these areas, and how much confidence do you have that stability will be maintained?

THE PRESIDENT. Mr. Sheldon, first, with regard to Laos, the agreement there was made by the Royal Laotian Government, and it is an agreement which we, of course, supported and we accept. I have noted that various elements within Laos have questioned the decision by Souvanna Phouma to make the agreement that he did. But the key to that agreement, and what will make the cease-fire work is an unequivocal provision in the agreement that we made and that is for the withdrawal of all foreign forces from Laos. We expect that to be adhered to, and when that is adhered to, we believe that the

as 3. But what mattered was that in the end, the average worked out so that we almost achieved our goal of 3 percent. We got to 3.4.

Now what we are concerned about is to see that in the negotiations in the year 1973 those negotiations are undertaken with enough flexibility—some will go a little higher, some will go a little lower—but with enough flexibility so that we don't have a wage-price push which would destroy the goal that everybody unanimously agrees we should try to achieve of 2.5 at the end of the year at the retail level. I am sure that confuses you.

THE AMERICAN DOLLAR

Q. Mr. President, what kind of trouble is the American dollar in in Europe, in your judgment?

THE PRESIDENT. Well, the American dollar, I think, is being attacked by international speculators. I know that when I use that term my sophisticates in the Treasury Department shudder because they believe these great forces are not determined by speculation and the rest. But as I look at the American economy, as I look at the American rate of inflation, I would say that the dollar is a good bet in the world markets today.

The United States has the lowest rate of inflation of any major industrial country. The United States has certainly the strongest economy of the major industrial countries. The United States also has a program, which we believe is going to work, for continuing to control inflation. We have a very tight budget, or I should say a responsible budget. Let me point out, it is not a budget which is cut; it is a budget, however, which does not go up as much as some would want it to go, and therefore, one that will continue to cool the inflationary fires. And, of course, under these circumstances, we believe that the dollar is a sound currency and that this international attack upon it by people who make great sums of money by speculating—one time they make a run on the mark and the next time it is on the yen, and now it is on the dollar—we will survive it.

Let me say there will not be another devaluation. I would say, second, we are going to continue our program of fiscal responsibility so that the dollar will be sound at home and, we trust as well, abroad. And we also are going to continue our efforts to get the other major countries to participate more with us in the goal that we believe we should all achieve, which we set out at the time of the Smithsonian and the other agreements, and that is of getting an international monetary system which is flexible enough to take care of these, what I believe are, temporary attacks on one currency or another.

Q. Can we do anything to bring these speculators under control?

THE PRESIDENT. We cannot, because I would say for the most part they are operating in the international area, and all that we can do is to keep our dollar as sound as we

can at home, to keep our economy as sound as we can, to be as responsible as we can so that the run on the dollar does not mean a weakness of the American economy or of the dollar, in fact, that we spend here at home.

RENT CONTROLS

Q. Mr. President, are you possibly giving any thought to reviving the Rent Control Board?

THE PRESIDENT. No, we are not. Rent controls have an enormous public appeal, particularly when you see some of the gouging that goes on in individual cases. The difficulty with rent control, however—and any of you who have visited Paris or some of the other major cities which have had rent control almost since World War II and see what has happened to rents, particularly of new dwellings, know what I am talking about—the difficulty with rent control, if you put a rent control ceiling on that is not economically viable so that the builders and those who will rent apartments and so forth cannot and will not make their investment, all that happens is that you get a shortage of housing, the pressures go up, and also you find that the landlords don't keep up the places.

No, I do not think that rent controls is the right answer. I think the answer to the problem of rents is production of housing which will deal with it.

THE WATERGATE CASE

Q. Mr. President, now that the Watergate case is over, the trial is over, could you give us your view on the verdict and what implications you see in the verdict on public confidence in the political system?

THE PRESIDENT. No, it would not be proper for me to comment on the case when it not only is not over, but particularly when it is also on appeal.

I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation—that was last July and August—was involved or had knowledge of the Watergate matter. And, as far as the balance of the case is concerned, it is now under investigation by a Congressional committee and that committee should go forward, conduct its investigation in an even-handed way, going into charges made against both candidates, both political parties. And if it does, as Senator Ervin has indicated it will, we will, of course cooperate with the committee just as we cooperated with the grand jury.

CONGRESSIONAL HEARINGS AND EXECUTIVE PRIVILEGE

Q. Mr. President, yesterday at the Gray hearings, Senator Tunney suggested he might ask the committee to ask for John Dean to appear before that hearing to talk

about the Watergate case and the FBI-White House relationship. Would you object to that?

THE PRESIDENT. Of course.

Q. Why?

THE PRESIDENT. Well, because it is executive privilege. I mean you can't—I, of course—no President could ever agree to allow the Counsel to the President to go down and testify before a committee.

On the other hand, as far as any committee of the Congress is concerned, where information is requested that a member of the White House Staff may have, we will make arrangements to provide that information, but members of the White House Staff, in that position at least, cannot be brought before a Congressional committee in a formal hearing for testimony. I stand on the same position there that every President has stood on.

REPORTER. Thank you, Mr. President.

Q. Mr. President, on that particular point, if the Counsel was involved—

THE PRESIDENT. He always gets two. (*Laughter*)

Q. —if the Counsel was involved in an illegal or improper act and the prima facie case came to light, then would you change the rules relative to the White House Counsel?

THE PRESIDENT. I do not expect that to happen, and if it should happen I would have to answer that question at that point.

Let me say, too, that I know that, since you are on your feet, Clark [Mollenhoff], that you had asked about the Executive Privilege statement, and we will have that available toward the end of next week or the first of the following week, for sure, because obviously, the Ervin Committee is interested in that statement, and that will answer, I think, some of the questions with regard to how information can be obtained from a member of the White House Staff, but consistent with executive privilege.

REPORTER. Thank you again.

NOTE: President Nixon's thirtieth news conference was held at 11:08 a.m. on Friday, March 2, 1973, in the Briefing Room at the White House.

“Heart-of-the-Year” Award to the President

*Exchange of Remarks Between the President and Dr. Paul N. Yu, President of the American Heart Association, at the Presentation Ceremony.
March 2, 1973*

DR. YU. Mr. President, each year the American Heart Association has been privileged to honor a distinguished American with the “Heart-of-the-Year” Award. For the past 4 years, Mr. President, you have graciously consented

to present the award in our name. This year we would like very much to have you keep it.

Mr. President, we are really extremely pleased and proud to present the 1973 “Heart-of-the-Year” Award to you in recognition of your consistent support and encouragement of the voluntary action in the health field. Your support has helped make it possible for us to expand the role of the volunteer and of our voluntary health agency to fight the number one health problem—heart and blood diseases.

As you know, the goal of the American Heart Association is to conquer heart and blood vessel diseases through the support of cardiovascular research, education, and commingled services. We are very confident that with the sustained guidance, support, and encouragement we will achieve our goals.

So, Mr. President, please accept this award as a small token of our great appreciation.

The citation reads: “1973 Heart-of-the-Year Award. Presented by the American Heart Association to President Richard M. Nixon for his consistent support and encouragement of voluntary programs combatting the nation's most serious health problem—heart and blood vessel diseases.”

Thank you very much.

THE PRESIDENT. Thank you very much, Dr. Yu.

In accepting this award, Doctor, I want to accept it on behalf of those of you who deserve it, and that is the volunteers both here in the District of Columbia and all over this Nation.

I noted in my talking papers that I was to mention the fact that I should accept it because, and make note of the fact that this Administration has committed approximately \$100 million to research in the field of heart disease.

But I cannot take the credit for that. The taxpayers of America, all of the American people, have made it possible to do research and go forward.

That is the governmental side, but what is done on the voluntary side, which you represent here today, is equally important. This is the seed money, and then the volunteers will go far beyond that in finding, certainly, a solution to this problem.

Just let me say one thing personally. As you presented this here in this Oval Office of the President, I think about the two Presidents—the three Presidents—who preceded me in this office. President Eisenhower, of course, had a heart attack in 1955, and eventually that was the cause of death; and that President Johnson had a heart attack while he was in the Senate, and that that was the cause of death.

I think back over my public life of going to visit President Eisenhower in Denver right after his heart attack, which is something that I will never forget, and also going to visit President Johnson when he was in Bethesda Hospital. I am not suggesting by that that Presidents are

51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.

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51.2	John Dean testimony, 3 SSC 994.....	751

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THE PRESIDENT. Thank you very much, Dr. Yu.

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Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the *Hiss* case and I reminded the President of the strong statement he had made in 1950 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. He asked me to go get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

During the March 1 afternoon meeting the President also asked me some questions about executive privilege and the timing on the release of the executive privilege statement which he had discussed in his press conference on January 31. I told him that the statement, as far as I was concerned, was ready for release and merely would require the signoff of a handful of other people. I told him I thought it could be out within a week.

It was during the days after this series of March 1 meetings with the President that the name Dean began coming increasingly to the forefront in the Gray confirmation hearings, and the rumblings were that there was going to be a situation where Dean could be called to the committee to testify and a number of Senators were anxious to use me as a vehicle to test executive privilege. On March 4 or 5, I had a conversation with Ehrlichman in which I might add occurred in the hall of the West Building, in which I told him that I thought it would be very difficult to maintain a court test of executive privilege over me, when in fact I had only met with the President infrequently and had had very few conversations with him that would be protected. It was following this conversation with Ehrlichman that I began meeting and talking with the President, at his request, with ever increasing frequency. The Presidential meeting of March 6.

Senator ERVIN [presiding]. A vote has been called on a 10-minute basis. I expect the committee had better go and come back. We will finish this statement this afternoon.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. DASH. Mr. Dean, you can proceed. Senator Weicker is here making a quorum, as required by our rules.

Mr. DEAN. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of the Gray hearings and the President reminded me again that I should report directly to him and not involve Haldeman and Ehrlichman with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no

52. On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee.

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52.1 Meetings and conversations between the President and John Dean, March 6-7, 1973 (received from White House).....	754
52.2 Memorandum of substance of Dean's calls and meetings with the President, March 6-7, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	761
52.3 John Dean testimony, 3 SSC 994-95.....	764

101530

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972

PM	The President met to sign personal legal documents with:
12:45 1:11	The First Lady
12:49 1:09	John J. Ratchford
12:49 1:11	Mr. Butterfield
12:49 1:11	Mr. Haldeman
12:49 1:12	Mr. Ehrlichman
12:49 1:12	John W. Dean, III
12:49 1:12	John H. Alexander
12:49 1:12	Richard S. Ritzel

No other contact during August 1972

W79

September 15, 1972

101530

PM The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

WMB

101530

January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.
✓ (Mr. Kissinger was present from 10:30 - 10:37.)

PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973 .

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

WASH

101530

March 10, 1973

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D. C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

WALL

March 16, 1973

101530

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

WHE

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:

Mr. Ziegler (departed at 5:25)

Mr. Haldeman

Mr. Ehrlichman (5:25-6:01)

✓ Gen. Scowcroft (5:27-6:05)

101530

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)

Mr. Haldeman (2:01-3:40)

Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

WHL

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

WH

3. MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

September 15, 1972 Dean reported on IRS investigation of Larry O'Brien.
Dean reported on Watergate indictments.

February 27, 1973 Discussed executive privilege, minority counsel
for Watergate Committee. Dean suggested White
House aides submit answers to interrogatories.

February 28, 1973 President inquired of Watergate. Dean said no White
House involvement, Stans was victim of circumstances,
Colson was lightning rod because of his reputation.
Discussed wiretappings which had been brought up
in the Gray hearings. Sullivan, Deputy Director,
was friend of Dean and Dean suggested they make
sure that wiretaps of prior years (other Administra-
tions) be made known.

March 1, 1973 Preparation for press conference -- go over question
and answer book. Was decided the question would
come up as to why Dean was sitting in on FBI inter-
views and that the reason was he was conducting an
investigation for the President. President asked
Dean to write a report. Dean was also critical of
Gray.

(March 2 press conference)

March 6, 1973 Discussed executive privilege guidelines, decided
to cover former White House personnel as well as
present.

March 7, 1973 Again discussion executive privilege guidelines.
Dean again told the President the White House was
clear. The President inquired as to how Pat Gray
was doing. Dean informed him E.B. Williams had
dropped out of the civil case.

SOURCE: SSC 1/22/74

1794

EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

V.

RICHARD M. NIXON,
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D.C.

Defendant

Civil
Action
No. _____

AFFIDAVIT OF FRED D. THOMPSON

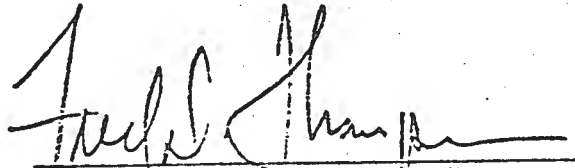
Fred D. Thompson, being sworn, deposes and says:

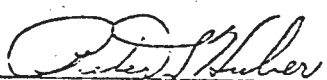
1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

1795

2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before me, this <u>9TH</u> day of <u>August</u> 197 <u>3</u>
 Notary Public, D.C.
My Commission Expires <u>14 May</u> , 197 <u>8</u>

Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the *Hiss* case and I reminded the President of the strong statement he had made in 1950 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. He asked me to go get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

During the March 1 afternoon meeting the President also asked me some questions about executive privilege and the timing on the release of the executive privilege statement which he had discussed in his press conference on January 31. I told him that the statement, as far as I was concerned, was ready for release and merely would require the signoff of a handful of other people. I told him I thought it could be out within a week.

It was during the days after this series of March 1 meetings with the President that the name Dean began coming increasingly to the forefront in the Gray confirmation hearings, and the rumblings were that there was going to be a situation where Dean could be called to the committee to testify and a number of Senators were anxious to use me as a vehicle to test executive privilege. On March 4 or 5, I had a conversation with Ehrlichman in which I might add occurred in the hall of the West Building, in which I told him that I thought it would be very difficult to maintain a court test of executive privilege over me, when in fact I had only met with the President infrequently and had had very few conversations with him that would be protected. It was following this conversation with Ehrlichman that I began meeting and talking with the President, at his request, with ever increasing frequency. The Presidential meeting of March 6.

Senator ERVIN [presiding]. A vote has been called on a 10-minute basis. I expect the committee had better go and come back. We will finish this statement this afternoon.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. DASH. Mr. Dean, you can proceed. Senator Weicker is here making a quorum, as required by our rules.

Mr. DEAN. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of the Gray hearings and the President reminded me again that I should report directly to him and not involve Haldeman and Ehrlichman with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no

alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLU letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

MEETING OF MARCH 8

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

PHONE CONVERSATION OF MARCH 10

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

MEETING OF MARCH 13

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray's nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as \$1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he

53. On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

Page

53.1	Transcript of tape recorded telephone conversation between John Ehrlichman and L. Patrick Gray, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.....	768
53.2	John Ehrlichman testimony, 7 SSC 2785-86.....	770
53.3	L. Patrick Gray testimony, 9 SSC 3469-70, 3537-39.....	772

See Book II, Paragraph 37 and Book II, Paragraph 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.

2950

EXHIBIT No. 102

Conversation with Pat Gray, March 7 or 8, 1973

E. Ehrlichman

G. Gray

E. Been testifying today?

G. Yeah, I'm having a ball. Let me just tell you an unusual development that happened today I think you'll be interested in and it's not a disaster or anything, it's just a total surprise I think to everybody including me and all the committee members. Over the weekend I had prepared a rather forceful statement saying that this function of the committee was . . . the function of this committee was to look into my qualifications and to examine my procedural conduct of the Watergate not to get into substance that this had been assigned to the Ervin select subcommittee and they would erect the proper safeguards to protect those who were innocent and were just stand-bys in this whole matter here of this criminal offense and I talked about constitutional due process and the right to privacy and all that kind of stuff. What the hell should turn up this morning to the chairman of the committee and each member of the committee and then a copy was delivered to me in the hall as we were walking into the hearing room but a three page letter from the ACLU practically saying the same damn thing. So what has happened is that we got a state of consternation up there right now with the ACLU and the FBI in the same bed. And I don't know what the hell they're going to do on that. I wanted you to know that that development occurred and I also got another letter today along the same lines from a professor who's pretty highly respected and I talked with Jim Eastland. We're going to throw that letter into the hopper tomorrow, too. I'll read that—that's one of the first things I'll do tomorrow morning.

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between . . . but that he delivered everything he had to the FBI.

E. Right.

G. And that he delivered it to those agents . . . this is absolutely imperative.

E. All right.

G. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

E. OK

G. I wanted you to know that.

E. Good. Keep up the good work, my boy. Let me know if I can help.

G. All right. He can help by doing that.

E. Good, I'll do it.

Conversation with John Dean same day immediately following

E. Ehrlichman

D. Dean

D. Hello.

E. Hi. Just had a call from your favorite witness.

D. Which is?

E. Patrick J. Gray

D. Oh, really?

2951

- E. And he says to make sure that old John W. Dean stays very very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.
- D. He's a little worried, is he?
- E. Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probin' around.
- D. Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.
- E. Really?
- D. Oh, it's awful, John.
- E. Why did he call me? To cover his tracks?
- D. Yeah, sure. I laid this on him yesterday.
- E. Oh, I see. OK.
- D. I laid it on him to, you know, to fuse the issue so I don't have any idea what he said up there today.
- E. I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their own jurisdiction was to . . . was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.
- D. Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.
- E. Down to the point of calling you?
- D. Down to the point of calling me and——
- E. Let him hang there?
- Well I think we ought to let him hang there. Let him twist slowly slowly in the wind.
- D. That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray's smart enough to run the Bureau the way he's handling himself.
- E. Well, OK, you're on top of it. Good.

Senator WEICKER. Let me repeat Mr. Helms' testimony or his interview rather, his interview with this committee. Helms had no idea what they were talking about with respect to Mexico and when he asked he was told: "Never mind what it's all about" but they wanted Walters to go to Pat Gray right then and there?

Mr. EHRLICHMAN. The President's instructions were not to me, they were to Mr. Haldeman and he is going to be your best witness as to those instructions but my understanding of those instructions second-hand is that the President said that he wanted General Walters and Pat Gray to work this out between them. And that was confirmed to me by the President at a later time but I didn't know it at the time of this meeting.

Senator WEICKER. And then we also have General Walters' memorandum which I have read to you in which he indicates concern over the Watergate investigation in a political sense and you disagreed with that?

Mr. EHRLICHMAN. I am—the memorandum that you read to me was dated the 28th of—

Senator WEICKER. Have you got that memorandum?

Mr. EHRLICHMAN. June 28 which was considerably—

Senator WEICKER. Five days afterward?

Mr. EHRLICHMAN. Yes; and, as a matter of fact after the CIA finally determined that it had no involvement or exposure on the 27th and orally informed the Bureau to that effect. It was then and only then that General Walters sat down and reconstructed these meetings.

Senator WEICKER. So, in effect, your testimony stands in conflict with the versions of that meeting told by, as I have read them to you, of both General Walters and Director Helms?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. One last series of questions, Mr. Chairman, and then I will move along here. I would like to, if we could, get to the taped telephone conversations, the conversations which you taped.

Do you have both those before you?

Mr. EHRLICHMAN. Which are those, Senator?

Senator WEICKER. These would be to—I find it strange in the United States to say which are those as if this was normal practice. These are the conversations with Pat Gray on March 7 or 8, and the following conversation with John Dean, whatever that happens to be.

I wonder if at this time we might not, Mr. Chairman, have these entered as exhibits.

Senator ERVIN. What do you want entered as exhibits? I didn't quite get what you wanted entered as exhibits.

Senator WEICKER. The two, the transcriptions of the two taped telephone conversations, the first between Mr. Ehrlichman and Pat Gray, the second one between Mr. Ehrlichman and John Dean.

Senator ERVIN. Did Mr. Ehrlichman identify the one that he was a party to?

Senator WEICKER. He was a party to both, Mr. Chairman.

Senator ERVIN. The two papers will be marked as exhibits and admitted as such. I am sorry, I thought maybe you were referring to the General Walters matter, the memorandum which you read previously. We will also enter that with the appropriate exhibit number.

[The documents referred to were marked exhibits Nos. 101, 102, and 103.*]

Mr. WILSON. Is there a pending question, Mr. Chairman?

Senator WEICKER. I want to be sure Mr. Ehrlichman has a chance to look over the material.

Mr. EHRLICHMAN. That is fine.

Senator WEICKER. All right, let's get first to the conversation between yourself and Pat Gray. The first portion of it, let me try to synopsise that, Gray makes some preliminary—unless you want the whole thing read. If you want the whole thing read we can do that. Would that be better to handle it that way so there won't be any unfair—

Mr. EHRLICHMAN. Why don't you just ask whatever you have on your mind, Senator, and see if I can answer.

Senator WEICKER. Well, Gray, Pat Gray made some preliminary remarks concerning the position at the judiciary, these are phone conversations of March 7 or 8, 1973, when Pat Gray is before the Judiciary Committee. Subject of his confirmation, Gray made some preliminary remarks concerning his position, that the Judiciary Committee could only question his procedural conduct of the investigation, not the substance since the Ervin committee would do that. He also pointed out the very same day that ACLU submitted a letter to the committee stating the same position.

Gray then went on to say, and then I am going into the exact quote, and this is Gray to Ehrlichman:

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between—

And then something goes on that is inaudible—

but that he delivered everything he had to the FBI.

Now what did you assume this to mean, what is he talking about here when he says, "And you know those areas I think you have got to tell John Wesley"?

Mr. EHRLICHMAN. I assume he was talking about his method of the delivery of the contents of Hunt's safe, the fact that some went to the Washington field office and some went to the Director directly.

Senator WEICKER:

EHRLICHMAN. Right.

GRAY. And that he delivered it to those agents * * * this is absolutely imperative.

EHRLICHMAN. All right.

GRAY. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

EHRLICHMAN. OK.

GRAY. I wanted you to know that.

EHRLICHMAN. Good. Keep up the good work, my boy. Let me know if I can help.

GRAY. All right. He can help by doing that.

EHRLICHMAN. Good, I'll do it.

You then immediately called Mr. Dean; is that correct?

Mr. EHRLICHMAN. Yes, sir.

*See pp. 2948-2952.

sen's presence to inform Mr. Petersen that he had turned two files from Hunt's safe, having nothing to do with Watergate, over to me. Mr. Petersen told me that he informed Dean to take it up with me and asked me if Dean had done so. I told Mr. Petersen, truthfully, that Dean had not. I certainly did not acknowledge to Mr. Petersen that Mr. Dean had turned over any such files to me but I do not recall Mr. Petersen asking me that question on this occasion.

I must acknowledge the possibility, however, that Mr. Petersen may have asked me if Dean had turned over such files to me. If he did ask, I am certain that I would have denied receipt of such files because of the instructions I received from Messrs. Ehrlichman and Dean on June 28, the information I had been given about their national security implications and the injunction that they "should never see the light of day."

I recall calling John Dean shortly thereafter and asking him whether he had told Henry Petersen about the two files. He told me that he had. I then asked him, in effect, if he told Mr. Petersen the whole story, namely, that the files were given to me in John Ehrlichman's presence with the assurance that they had nothing to do with Watergate, were sensitive and classified with national security overtones, should not be part of the FBI files, were political dynamite and clearly should not see the light of day. He said he had not told Mr. Petersen all of this. I told Mr. Dean that, if, as I had been assured, these files were of the character he described and had nothing to do with Watergate he ought not to be discussing them at all but that, if he did, he should at least tell Mr. Petersen the full story of their significance and the instructions to me.

Within a few days after this call, perhaps the next day, I called John Ehrlichman. This is the conversation which, unknown to me, John Ehrlichman tape-recorded. I believe this committee has a transcript of that tape. I believe this call to be a call reflected in my logs as made on March 6, 1973, at 6:34 p.m. I come to this conclusion in substantial part because at the outset of the conversation the transcript reports me as informing Ehrlichman that during my confirmation hearings "this morning," members of the Judiciary Committee received copies of a letter from the American Civil Liberties Union objecting to my offer that members of the Judiciary Committee could examine the entire FBI Watergate file. The transcript of my confirmation hearings reveals that such a letter was received by the committee on the morning of March 6.

The transcript of this conversation with Mr. Ehrlichman also reveals that I state to Mr. Ehrlichman that: "I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas." The assumption appears to have been made by Mr. Ehrlichman and by various members of this committee in their questioning of Mr. Ehrlichman that the "certain areas" in which I was being pushed was the receipt by the FBI of the contents of Hunt's safe. In fact the subject of the contents of Hunt's safe did not arise in my confirmation hearings until the next day, March 7.

I was being pushed, however, with respect to my turning over FBI reports to Mr. Dean and it was clear to me that my relationship with Mr. Dean was coming under increasing criticism by members of the Judiciary Committee. There is no doubt that I was concerned that the

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committee would, as it subsequently did, inquire into the circumstances of the turnover to the FBI of the contents of Hunt's safe. Because of the instructions I had received from Messrs. Dean and Ehrlichman when the two files were given to me and my absolute conviction that these files, tinged with political and national security implications, had nothing whatsoever to do with Watergate, I had no intention of volunteering to the committee my receipt and destruction of these files and did not do so. I would not and did not make any false statements under oath but I acknowledge that I purposely did not volunteer this information to the committee.

I justified my reticence not only because I then believed in the rectitude of the administration whose nominee I was and in the integrity of the men who gave me the files and instructions, but because my brief look at the file of State Department cables had confirmed for me what I thought were overwhelming considerations of national security. I had no way of knowing then, of course, that the cables were fabricated nor, I might add, did I know then what I have since learned—that I was being left, in Mr. Ehrlichman's elegant phrase, to "hang there and twist slowly in the wind."

It was in this context, and knowing that Mr. Dean had already told Mr. Petersen about the files, that I had my conversation with Mr. Ehrlichman on March 6. There is no doubt that the message I intended to give to Mr. Ehrlichman was that he should tell Mr. Dean that he should not disclose the delivery to me of those two files.

At about 10:30 p.m. on the evening of April 15, 1973, I received a call from Mr. Ehrlichman. His remarks were very short, terse, and to the point. He simply told me that Dean had been talking to the prosecutors for some time and "we think you ought to know about it." It was obvious from his tone and the manner in which he spoke that no questions were invited and none were asked. I merely said thanks as he was hanging up the phone. I may have said, "Good evening, John" or "Hello, John" when I picked up the phone and it is my firm recollection that he started talking right away and made no response.

At shortly after 11 p.m. Ehrlichman called me again. This time his remarks were just as short, terse, and to the point. He said, "Dean has been talking about the files he gave you and you better check your hole card."

I said, "John, those papers were destroyed long ago."

Again it was plain and obvious from his tone and the manner in which he spoke that no questions were invited and none were asked.

Both of these calls were of extremely short duration, less than 15 seconds each. His manner was fast talking and he seemed tense.

I know that Mr. Ehrlichman has testified that in these conversations I told him I would deny receiving the files and asked him to support me in that denial. I have absolutely no recollection of such an exchange and believe that both conversations were substantially as I have described them. I realize that the conversations may have been recorded without my knowledge.

On Monday, April 16, 1973, at 10:54 a.m., Assistant Attorney General Petersen came to see me. He said that Mr. Dean told the prosecutors he had turned over two of Hunt's files to me. I denied that I had received them. Mr. Petersen went on to say that Mr. Dean had said these two files had nothing to do with Watergate. He also said that

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charge of the Criminal Division. The Attorney General could have called me at any time and said I want this or I want that from you. He didn't.

Senator MONTOLA. Thank you very much. My time has expired.

Senator ERVIN. During the Judiciary hearing on your nomination, you contacted John Ehrlichman daily, didn't you, by telephone?

Mr. GRAY. Sir?

Senator ERVIN. During the time the Senate Judiciary Committee was passing on your nomination to be Director of the FBI, you had daily conversations by telephone with John Ehrlichman.

Mr. GRAY. Mr. Chairman, I don't know whether they were daily or not but whatever my logs show in that regard that—

Senator ERVIN. You have a copy of the tape of Mr. Ehrlichman of March 7 or 8, 1973?

Mr. GRAY. I have Tuesday, March 6, 1973, Mr. Ehrlichman called me at 6:34 p.m. that evening.

Senator ERVIN. Now, you were very much concerned that it might come out in the Judiciary Committee hearings that the contents of Hunt's safe were delivered, a part of them were delivered at one time to agents of the FBI other than yourself and that these two envelopes were delivered to you yourself at another time?

Mr. GRAY. I do not know that I was concerned. The message—if you are referring to that telephone call, the message that I was giving him then in that March 6 telephone call did not have to do with the contents of—

Senator ERVIN. I am asking about the next one. In other words, it says "another thing"—now, this is you talking to Ehrlichman—"another thing I want to talk to you about is that I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas and I think you have got to tell John Wesley"—a good Methodist name—"John Dean to stand awfully tight in the saddle and be very careful about what he says and to be absolutely certain that he knows his own mind, that he delivered everything he had to the FBI and do not make any distinction between, but that he delivered everything he had to the FBI."

Now, that was in effect asking John Ehrlichman to tell John Dean in case he testified before the Judiciary Committee that he must say that everything was delivered to the FBI at one time.

Mr. GRAY. Senator Ervin, what I was telling Mr. Ehrlichman there was told to him on the evening of March 6 because—

Senator ERVIN. Yes.

Mr. GRAY. It is not March 7 or 8 because that is the day on which we received a letter from the ACLU and what I was—I can pin it down with that because the language of mine is right there with reference to the letter that was delivered on that day and that call was in the evening of March 6.

Senator ERVIN. Well—

Mr. GRAY. In the areas, Mr. Chairman—Mr. Chairman, if I may, the areas I was being pushed awfully hard in were the fact that I had given to Mr. Dean reports of FBI interviews and had permitted Mr. Dean to sit in on FBI interviews.

Senator ERVIN. Well, the interpretation I place on this is that you were asking John Ehrlichman to tell John Wesley Dean to be careful

what he said and to say that all of these things that came out, all the contents of Hunt's safe were delivered to FBI agents at one time instead of some of them being delivered to the agents and the other being delivered to the Acting Director?

Mr. GRAY. That is correct, and, Mr. Chairman, let me say that the message I gave to Mr. Ehrlichman was to tell John Dean to shut up but was not certainly a message to tell him that if asked under oath that he could not testify because I had previously spoken to John Dean on this very subject and had asked him if he had told Henry Petersen everything about those very same files that he had told me.

Senator ERVIN. Well, John Ehrlichman said, "right," in reply to your statement?

Mr. GRAY. I do not know what that means, sir.

Senator ERVIN. Well, you asked him to tell John Dean to say that all of the contents of the safe were delivered to the FBI at one time instead of part of them being delivered to the agents and others being delivered to you.

Mr. GRAY. I was telling John Ehrlichman to tell John Dean to shut up unless he told the real facts about it, no question about that.

Senator ERVIN. And at the top of the next page it states "and he"—that is Dean—"delivered it to those agents. This is absolutely imperative."

Mr. GRAY. That is correct. I told him that to distinguish between the Watergate evidence and the non-Watergate evidence as they told me.

Senator ERVIN. And Ehrlichman says, "All right." And this bugging that John Ehrlichman did shows that he called Dean and he told Dean that you had called him and that you had said to him, Ehrlichman, to make sure that old John W. Dean stays very firm and steady on his story that he delivered every document to the FBI and that he does not start making nice distinctions between agents and directors?

Mr. GRAY. Yes, sir, I did.

Senator ERVIN. And then Ehrlichman asked Dean, why did you call me, that is, why did you call him—"to cover his tracks?" And Dean says, "yeah, sure. I laid this on him yesterday."

"Ehrlichman. Oh, I see. OK."

Now, as a matter of fact, is not the interpretation of that transaction that you called Ehrlichman and asked him to see that Dean said, whenever he talked, that all of the contents of Hunt's safe had been delivered to the FBI at one time, to the agents rather than part to the agents and part to the Director?

Mr. GRAY. I think you have got to put that in the proper context, Mr. Chairman. I had just had a call the day before from John Dean regarding this in which I went into it chapter and verse with him because he had told Henry Petersen of the delivery of these two files to me and I had asked John Dean if you, John, have told Henry everything you told me about those files, that they were non-Watergate evidence, non-Watergate-related, should clearly not be permitted to see the light of day, were political dynamite. So this has got to be put in that proper context but there is no question about it that in that telephone call I was saying to John Ehrlichman to tell John Dean to shut up because he was making nice distinctions there that those two did not make with me at all. My assumption was that they had

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delivered all of the Watergate evidence that was in Mr. Hunt's files to the Agency.

Senator ERVIN. It seems to me this is a very simple proposition. Is this not it in its sense, that you asked John Ehrlichman to see that Dean refrain from telling the truth about this and tell on the contrary that all of them were delivered to the FBI at one time and John Ehrlichman agreed to do that and to call Dean and repeat your request to him?

Mr. GRAY. Certainly, that was not my understanding of the call. They cannot tell me one thing, Mr. Chairman, you know, and then tell another thing. I certainly told—I do not make any bones about it. I told John Ehrlichman to tell John Dean to shut up.

Senator ERVIN. Yes.

Mr. GRAY. But just the day before——

Senator ERVIN. Mr. Gray——

Mr. GRAY. I told——

Senator ERVIN. Is it not the interpretation to be placed on this that you were asking Ehrlichman to tell John Dean not to tell the truth about how some of them got to you and some of them to the agents of the FBI?

Mr. GRAY. No, sir, because——

Senator ERVIN. Well, I do not believe I will question further. Just let the record show that the two tapes from John Ehrlichman—well, the recording, I believe, instead of bugging, two recordings of John Ehrlichman of his conversations be put in the record at this point unless somebody else interprets it.

Now, this was thought to be a sort of ordinary burglary at first and then it came out that one of the burglars was the chief security officer of the Committee To Re-Elect the President. Then in a short time it was discovered that a White House consultant who then had an office in the White House was implicated, and that the chief counsel of the Stans' committee, Finance Committee To Re-Elect the President, was also implicated, did it not?

Mr. GRAY. Yes, sir, that is right.

Senator ERVIN. So it came out while the burglary might have been ordinary, the burglars were extraordinary [laughter]. And a short time after that you found the FBI investigations got a lead indicating that some political money was possibly involved in the form of four Mexican checks and the Dahlberg check, a total of \$114,000.

Mr. GRAY. That is correct, sir. We found those early in the investigation in the Republic National Bank.

Senator ERVIN. And after you started working on that you got a phone call from John Ehrlichman informing you that John Dean was interested in the White House in connection with the FBI and the CIA.

Mr. GRAY. I do not—Mr. Chairman, I am not sure whether you are referring to the first telephone conversation——

Senator ERVIN. Yes.

Mr. GRAY. I had with—from Mr. Ehrlichman on June 21.

Senator ERVIN. I do not know whether it was the first one but the time he called you up and told you that John Dean was representing the White House in this investigation.

54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

Page

54.1	Transcript of tape recorded telephone conversation between John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.....	778
54.2	John Ehrlichman testimony, 7 SSC 2786-88.....	780

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EXHIBIT No. 102

Conversation with Pat Gray, March 7 or 8, 1973

E. Ehrlichman
G. Gray

E. Been testifying today?

G. Yeah, I'm having a ball. Let me just tell you an unusual development that happened today I think you'll be interested in and it's not a disaster or anything, it's just a total surprise I think to everybody including me and all the committee members. Over the weekend I had prepared a rather forceful statement saying that this function of the committee was . . . the function of this committee was to look into my qualifications and to examine my procedural conduct of the Watergate not to get into substance that this had been assigned to the Ervin select subcommittee and they would erect the proper safeguards to protect those who were innocent and were just standbys in this whole matter here of this criminal offense and I talked about constitutional due process and the right to privacy and all that kind of stuff. What the hell should turn up this morning to the chairman of the committee and each member of the committee and then a copy was delivered to me in the hall as we were walking into the hearing room but a three page letter from the ACLU practically saying the same damn thing. So what has happened is that we got a state of consternation up there right now with the ACLU and the FBI in the same bed. And I don't know what the hell they're going to do on that. I wanted you to know that that development occurred and I also got another letter today along the same lines from a professor who's pretty highly respected and I talked with Jim Eastland. We're going to throw that letter into the hopper tomorrow, too. I'll read that—that's one of the first things I'll do tomorrow morning.

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between . . . but that he delivered everything he had to the FBI.

E. Right.
G. And that he delivered it to those agents . . . this is absolutely imperative.
E. All right.
G. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.
E. OK
G. I wanted you to know that.
E. Good. Keep up the good work, my boy. Let me know if I can help.
G. All right. He can help by doing that.
E. Good, I'll do it.

Conversation with John Dean same day immediately following

E. Ehrlichman
D. Dean

D. Hello.
E. Hi. Just had a call from your favorite witness.
D. Which is?
E. Patrick J. Gray
D. Oh, really?

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- E. And he says to make sure that old John W. Dean stays very very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.
- D. He's a little worried, is he?
- E. Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probin' around.
- D. Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.
- E. Really?
- D. Oh, it's awful, John.
- E. Why did he call me? To cover his tracks?
- D. Yeah, sure. I laid this on him yesterday.
- E. Oh, I see. OK.
- D. I laid it on him to, you know, to fuse the issue so I don't have any idea what he said up there today.
- E. I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their own jurisdiction was to . . . was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.
- D. Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.
- E. Down to the point of calling you?
- D. Down to the point of calling me and—
- E. Let him hang there?
Well I think we ought to let him hang there. Let him twist slowly slowly in the wind.
- D. That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray's smart enough to run the Bureau the way he's handling himself.
- E. Well, OK, you're on top of it. Good.

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[The documents referred to were marked exhibits Nos. 101, 102, and 103.*]

Mr. WILSON. Is there a pending question, Mr. Chairman?

Senator WEICKER. I want to be sure Mr. Ehrlichman has a chance to look over the material.

Mr. EHRLICHMAN. That is fine.

Senator WEICKER. All right, let's get first to the conversation between yourself and Pat Gray. The first portion of it, let me try to synopsize that, Gray makes some preliminary—unless you want the whole thing read. If you want the whole thing read we can do that. Would that be better to handle it that way so there won't be any unfair—

Mr. EHRLICHMAN. Why don't you just ask whatever you have on your mind, Senator, and see if I can answer.

Senator WEICKER. Well, Gray, Pat Gray made some preliminary remarks concerning the position at the judiciary, these are phone conversations of March 7 or 8, 1973, when Pat Gray is before the Judiciary Committee. Subject of his confirmation, Gray made some preliminary remarks concerning his position, that the Judiciary Committee could only question his procedural conduct of the investigation, not the substance since the Ervin committee would do that. He also pointed out the very same day that ACLU submitted a letter to the committee stating the same position.

Gray then went on to say, and then I am going into the exact quote, and this is Gray to Ehrlichman:

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between—

And then something goes on that is inaudible—

but that he delivered everything he had to the FBI.

Now what did you assume this to mean, what is he talking about here when he says, "And you know those areas I think you have got to tell John Wesley"?

Mr. EHRLICHMAN. I assume he was talking about his method of the delivery of the contents of Hunt's safe, the fact that some went to the Washington field office and some went to the Director directly.

Senator WEICKER:

EHRLICHMAN. Right.

GRAY. And that he delivered it to those agents * * * this is absolutely imperative.

EHRLICHMAN. All right.

GRAY. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

EHRLICHMAN. OK.

GRAY. I wanted you to know that.

EHRLICHMAN. Good. Keep up the good work, my boy. Let me know if I can help.

GRAY. All right. He can help by doing that.

EHRLICHMAN. Good, I'll do it.

You then immediately called Mr. Dean; is that correct?

Mr. EHRLICHMAN. Yes, sir.

*See pp. 2948-2952.

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Senator WEICKER. I would like to go ahead and read, if we could, this conversation.

DEAN. Hello.

EHRLICHMAN. Hi. Just had a call from your favorite witness.

DEAN. Which is?

EHRLICHMAN. Patrick J. Gray.

DEAN. Oh, really?

EHRLICHMAN. And he says to make sure that old John W. Dean stays very, very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.

DEAN. He's a little worried, is he?

EHRLICHMAN. Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probing around.

DEAN. Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.

EHRLICHMAN. Really?

DEAN. Oh, it's awful, John.

EHRLICHMAN. Why did he call me? To cover his tracks?

DEAN. Yeah, sure. I laid this on him yesterday.

EHRLICHMAN. Oh, I see. OK.

DEAN. I laid it on him to, you know to fuse the issue so I don't have any idea what he said up there today.

EHRLICHMAN. I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their only jurisdiction was to—

again inaudible there—

was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.

DEAN. Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.

EHRLICHMAN. Down to the point of calling you?

DEAN. Down to the point of calling me and—

EHRLICHMAN. Let him hang there?

Well, I think we ought to let him hang there. Let him twist slowly, slowly in the wind.

DEAN. That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray is smart enough to run the Bureau the way he's handling himself.

EHRLICHMAN. Well, OK, you're on top of it. Good.

Now, Mr. Ehrlichman, that portion of the transcript, "Yes, sure, I laid this on him yesterday," and you said "Oh, I see, OK." What is being referred to there?

Mr. EHRLICHMAN. I do not know. I do not know and never did know, I do not know what Mr. Dean had talked to him the previous day about. I was looking as you were reading, to see if I could see what had been transpiring in that particular week in those hearings, and it seems to me that the issue was primarily—

Senator WEICKER. Dean sat in on the interviews that the FBI conducted during the Watergate investigation and the question of whether Dean would come to the Judiciary Committee and testify.

Mr. EHRLICHMAN. I think that this was one of a series of telephone calls that Mr. Gray made to me and Mr. Dean at the close of his testifying every day to give us his view of how things had gone for the day, sometimes rather optimistic, but in direct response to your question, I do not know to what that does refer, that is to say, what Mr. Dean talked to him about the previous day.

Senator WEICKER. In other words, that would then go into the same area of "I laid it on him, too, you know, to fuse the issue." Again your

response would be similar there—you do not understand what he was talking about?

Mr. EHRLICHMAN. Well, that is correct; unless it refers back to this question of who the documents were delivered to. If it refers to some other subject, I do not know.

Senator WEICKER. Let me ask you a question. Yesterday you testified to two separate events. One was April 15 where Mr. Petersen and Attorney General Kleindienst informed the President, and I think you said yourself also, of the fact that the record, the Hunt records, had been burned by Pat Gray and that precipitated the phone conversation.

Mr. EHRLICHMAN. No, sir. They had a conversation—

Senator WEICKER. If I can finish that, that precipitates the phone conversation to Gray in the evening?

Mr. EHRLICHMAN. No. At the time of that telephone call in the evening, neither the President nor I knew or had any reason to believe that Mr. Gray had destroyed the documents.

Senator WEICKER. Well, I think it might be—let me get back to that question, I will get back to that question in just a minute.

You also—let me drop back in time—at the beginning of April, you went out and you had a talk with Judge Byrne relative to the FBI directorship. Now, it is clear from this taped telephone conversation that you do not think very much of Mr. Gray unless for some reason or another swinging around in the breeze is a new term of endearment that I do not know anything about, and obviously, from what John Dean says, the President does not think very much of Pat Gray. He says that “I am not sure Gray is smart enough to run the Bureau the way he is handling himself,” and obviously, Dean, Dean says, “He makes me gag.” So John Dean does not think very much of Pat Gray. What in heavens’ name is Pat Gray doing up there at these confirmation hearings as the nominee of the administration?

Mr. EHRLICHMAN. Well, Senator, I think you will remember those confirmation hearings and the revelations of the manner in which Mr. Gray responded during the hearings, and I think it is fair to say that there was pretty general disenchantment in the manner in which he handled himself during that time. What I was looking at while you were reading was the various events that took place starting back around the first of the month in those hearings, and climaxing on the 23d of March with Mr. Gray saying that John Dean probably lied to the FBI, and then later privately recanting that charge to Mr. Dean and admitting that it was an overstatement, and so on. At this point in time there was general disenchantment of Mr. Gray’s conduct in the process of confirmation, there is not any question about it.

Senator WEICKER. But, do you mean to tell me if there is this degree of disenchantment that you are going to keep this man on as the nominee and then later on as Acting Director, in fact, until April 27, when, in fact, it is Pat Gray that steps down, is that correct? There must be some reason, there must be some reason.

Mr. EHRLICHMAN. Well, I think the situation was evaluated as being perhaps doubtful and painful as it existed but perhaps more painful to withdraw the problem, and so there was a weighing of the alternative evils, and it was felt on balance that at some time along in there

55. On March 8, 1973 Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

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55.3	Memorandum of substance of Dean's calls and meetings with the President, March 8, 1973 (received from SSC) and accompanying Fred Thompson affidavit, 4 SSC 1494-95.....	792

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MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January, February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972

PM		The President met to sign personal legal documents with:
12:45	1:11	The First Lady
12:49	1:09	John J. Ratchford
12:49	1:11	Mr. Butterfield
12:49	1:11	Mr. Haldeman
12:49	1:12	Mr. Ehrlichman
12:49	1:12	John W. Dean, III
12:49	1:12	John H. Alexander
12:49	1:12	Richard S. Ritzel

No other contact during August 1972

WH

September 15, 1972

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PM The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

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WH

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January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)

✓ (Mr. Kissinger was present from 10:30 - 10:37.)

PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

WH

WH

March 10, 1973

101530

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

WH

WH

March 16, 1973

101530

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

WH

WH

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:

Mr. Ziegler (departed at 5:25)

Mr. Haldeman

Mr. Ehrlichman (5:25-6:01)

✓ Gen. Scowcroft (5:27-6:05)

101530

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)

Mr. Haldeman (2:01-3:40)

Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

WH

55.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT
AND JOHN DEAN, MARCH 8 AND 10, 1973

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

WH

alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLU letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

MEETING OF MARCH 8

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

PHONE CONVERSATION OF MARCH 10

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

MEETING OF MARCH 13

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray's nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as \$1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he

DR

March 8, 1973

President inquired as to whether Chapin had helped Segretti. Dean said no.

March 10, 1973

?

(March 12: Issued statement on executive privilege, applies to present and former staffers but will provide information.)

March 13, 1973

Preparation for press conference. Went over questions and answers. President inquired as to Ken Rietz. Dean said no illegality involved. President asked if Colson or Haldeman knew Segretti. President asked if Mitchell and Colson knew of Watergate. Dean said there was nothing specific on Colson; that he didn't know about Mitchell but that Strachan could be involved. President states again that Dean should compile a written report about the matter. Dean said Sirica was a hanging judge, the President said he liked hanging judges. They discussed fund raising before April 7. Dean said that everything that had been done was legal.

March 14, 1973

Press conference was discussed -- questions and answers. Discussed executive privilege. Decided they needed a Supreme Court test. Decided that the President should discuss his 1948 position. That afternoon the President suggested Dean should possibly appear before the press and discussed whether Chapin should make a statement about Segretti. The Gray hearings and the use of FBI files were also discussed.

March 15, 1973

President held press conference. That afternoon discussed that day's press conference and decided on use of "separation of powers" instead of executive privilege terminology.

March 16, 1973

The President reiterated his position on use of raw FBI files. Suggested Dean's written report be accompanied by affidavits. Dean suggested untimely release of written report might prejudice rights of innocent people. Discussed possibility of getting

DR

1794

EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

v.

RICHARD M. NIXON,
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D.C.

Defendant

Civil
Action
No.

AFFIDAVIT OF FRED D. THOMPSON

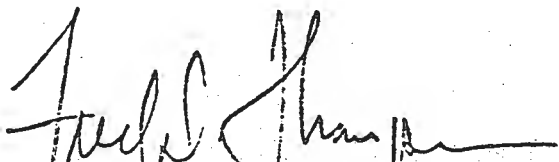
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

1795

2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before
me, this 9TH day of August 1973

Notary Public, D.C.
My Commission Expires 14 May, 1978

56. On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

Page

56.1 President Nixon statement, March 12, 1973,
9 Presidential Documents 253-54.....796

Small Business Week, 1973

Proclamation 4195. March 12, 1973

*By the President of the United States of America
a Proclamation*

In no facet of our national life is the American genius for independence, innovation and self-improvement better displayed than in the small business community.

The instinct to create, sustain and expand an independent enterprise is as old as America herself—an impulse that brought the earliest settlers to our shores and motivated generation after generation of our citizens in their onward, upward march. Nowhere is it more clearly evident today than among our Nation's 8 million small businesses.

In the past year alone, more than 70 thousand new companies were started. Nineteen out of every twenty firms are considered small business, and they provide approximately 35 million jobs, and contribute more than \$420 billion to the gross national product.

They also provide a ladder of opportunity to hard working, ambitious Americans of all races and creeds—the chance to harness individual initiative and ability to the mighty potentials of the free enterprise system. As long as America remains true to her heritage, the small businessman will continue as a mainstay of our economy and our society.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 13, 1973, as Small Business Week. I ask all Americans to share with me during this week a deep pride in the many accomplishments of our Nation's small businessmen and women, and in the invaluable contribution they have made to our free way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON

[Filed with the Office of the Federal Register, 2:57 p.m.,
March 12, 1973]

Executive Privilege

Statement by the President. March 12, 1973

During my press conference of January 31, 1973, I stated that I would issue a statement outlining my views on executive privilege.

The doctrine of executive privilege is well established. It was first invoked by President Washington, and it has been recognized and utilized by our Presidents for almost 200 years since that time. The doctrine is rooted in the Constitution, which vests "the Executive Power" solely in the President, and it is designed to protect communications within the executive branch in a variety of circumstances in time of both war and peace. Without such protection, our military security, our relations with other countries, our law enforcement procedures, and many other aspects of the national interest could be significantly damaged and the decisionmaking process of the executive branch could be impaired.

The general policy of this Administration regarding the use of executive privilege during the next 4 years will be the same as the one we have followed during the past 4 years and which I outlined in my press conference: Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest.

I first enunciated this policy in a memorandum of March 24, 1969, which I sent to Cabinet officers and heads of agencies. The memorandum read in part:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

In recent weeks, questions have been raised about the availability of officials in the executive branch to present testimony before committees of the Congress. As my 1969 memorandum dealt primarily with guidelines for providing information to the Congress and did not focus specifically on appearances by officers of the executive branch and members of the President's personal staff, it would be useful to outline my policies concerning the latter question.

During the first 4 years of my Presidency, hundreds of Administration officials spent thousands of hours freely testifying before committees of the Congress. Secretary of Defense Laird, for instance, made 86 separate appearances before Congressional committees, engaging in over 327 hours of testimony. By contrast, there were only three occasions during the first term of my Administration when executive privilege was invoked anywhere in the executive branch in response to a Congressional request for information. These facts speak not of a closed Administration but of one that is pledged to openness and is proud to stand on its record.

Requests for Congressional appearances by members of the President's personal staff present a different situation and raise different considerations. Such requests have been relatively infrequent through the years, and in past administrations they have been routinely declined. I have followed that same tradition in my Administration, and I intend to continue it during the remainder of my term.

Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency.

This tradition rests on more than Constitutional doctrine: It is also a practical necessity. To insure the effective discharge of the executive responsibility, a President must be able to place absolute confidence in the advice and assistance offered by the members of his staff. And in the performance of their duties for the President, those staff members must not be inhibited by the possibility that their advice and assistance will ever become a matter of public debate, either during their tenure in Government or at a later date. Otherwise, the candor with which advice is rendered and the quality of such assistance will inevitably be compromised and weakened. What is at stake, therefore, is not simply a question of confidentiality but the integrity of the decisionmaking process at the very highest levels of our Government.

The considerations I have just outlined have been and must be recognized in other fields, in and out of government. A law clerk, for instance, is not subject to interrogation about the factors or discussions that preceded a decision of the judge.

For these reasons, just as I shall not invoke executive privilege lightly, I shall also look to the Congress to continue this proper tradition in asking for executive branch testimony only from the officers properly constituted to provide the information sought, and only when the eliciting of such testimony will serve a genuine legislative purpose.

As I stated in my press conference on January 31, the question of whether circumstances warrant the exercise of executive privilege should be determined on a case-by-case basis. In making such decisions, I shall rely on the following guidelines:

1. In the case of a department or agency, every official shall comply with a reasonable request for an appearance before the Congress, provided that the performance of the duties of his office will not be seriously impaired thereby. If the official believes that a Congressional request for a particular document or for testimony on a particular point raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969.

Thus, executive privilege will not be invoked until the compelling need for its exercise has been clearly demonstrated and the request has been approved first by the Attorney General and then by the President.

2. A Cabinet officer or any other Government official who also holds a position as a member of the President's personal staff shall comply with any reasonable request to testify in his non-White House capacity, provided that the performance of his duties will not be seriously impaired thereby. If the official believes that the request raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969.

3. A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

NOTE: The text of the memorandum to which the statement refers was also made available by the White House Press Office, as follows:

March 24, 1969

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: ESTABLISHING A PROCEDURE TO GOVERN COMPLIANCE WITH CONGRESSIONAL DEMANDS FOR INFORMATION

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be

57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.

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57.1	<u>Washington Post</u> , March 14, 1973, A1, A12.....	800
57.2	John Dean testimony, 3 SSC 995.....	802

Gray Hearing Calls Nixon Aide

By Carl Bernstein
and Bob Woodward

Washington Post Staff Writers

The Senate Judiciary Committee voted unanimously yesterday to invite President Nixon's White House counsel, John Wesley Dean III, to testify at confirmation hearings on the nomination of L. Patrick Gray III to be permanent director of the FBI.

The vote followed the collapse of Republican efforts to attach limits to the invitation and it set the stage for a showdown between the committee and President Nixon, who had already said he would refuse to allow Dean to appear.

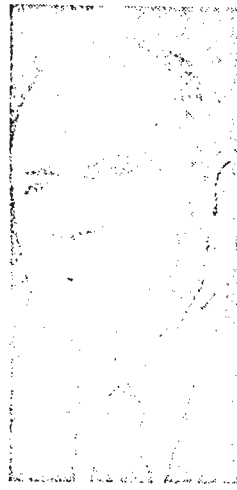
Late yesterday, the White House reiterated Mr. Nixon's stated position that "no President could ever agree to allow the counsel to the President to go down and testify before a committee."

The two principal leaders of the movement to call Dean, Senate Majority Whip Robert C. Byrd (D-W.Va.) and Sen. John V. Tunney (D-Calif.), said after the vote that they believe they can force the White House to withdraw Gray's nomination if Dean refuses to testify.

A central issue that has developed in Gray's confirmation hearings has been the FBI's handling of the Watergate investigation and, particularly, the propriety of Gray's



JOHN W. DEAN III
... his testimony sought



L. PATRICK GRAY III
... his nomination debated

agreement to turn over investigative reports to Dean. Members of the Judiciary Committee want to determine if Dean misused the information he received from the FBI.

"If the White House wants Patrick Gray they will have John Dean come and testify," Sen. Byrd said yesterday, adding: "If he does not appear, the Senate ought not act until after the Senate has conducted its own investigation of the Watergate case" and exam-

ined Gray's dealings with Dean.

Sen. Edward M. Kennedy (D-Mass.), also a member of the Judiciary Committee, said after the meeting: "In view of today's strong bipartisan action, I hope the President will see the wisdom" of permitting Dean to testify. Kennedy added: "I think it would be much more difficult for Mr. Gray to be confirmed without Mr. Dean appearing." Their remarks reflected

what Democratic sources said is their current strategy in dealing with the Gray nomination: To give Mr. Nixon the choice of either sending Dean voluntarily or face the possibility of Gray's nomination being shelved until a select Senate investigating committee submits its final report on the Watergate case next February. If they can postpone action until then, these sources said, they believe the President will withdraw Gray's nomination.

There appeared to be a growing feeling among senators of both parties yesterday that Gray's nomination is in serious jeopardy unless Dean testifies.

One Republican senator predicted last night that Democrats have sufficient votes in the Judiciary Committee to block Gray's nomination if Dean doesn't testify and said: "It looks like the balloon is going up on this one. It looks like more opposition is building against Gray" than developed in last year's battle over the confirmation of Attorney General Richard G. Kleindienst.

Gray has been acting director of the FBI since May 3.

See GRAY, A12, Col. 1

John Dean is considered a sharp and completely loyal Nixon aide. Page A12.

GRAY, From A1

Senate Majority Leader Mike Mansfield, who had previously announced his support of the Gray nomination, was asked yesterday if he believes action should be postponed until after a special Senate committee completed its investigation of the Watergate case and related allegations of political spying and sabotage. "I would think so," replied Mansfield, "but that's a question for the Judiciary Committee to decide." The Majority Leader added that he believes Dean should appear before the committee.

Meanwhile, the powerful chairman of the committee, Sen. James O. Eastland (D-Miss.), reiterated his belief that Gray will be confirmed

regardless of whether Dean testifies.

Democrats on the Judiciary Committee have questioned whether Gray has generally been too political during his tenure as acting FBI director and have suggested that he bowed to White House pressures in conducting the Watergate inquiry.

They repeatedly have questioned Gray about his frequent contact with Dean, who had recommended that one of the men subsequently convicted in the Watergate conspiracy, G. Gordon Liddy, be hired as counsel of the Committee for the Re-election of the President.

Dean conducted an investigation of the Watergate case for President Nixon that absolved current members of the administration from any involvement in the burning of Democratic headquarters. The White House has said it was

necessary that Dean receive FBI information in conducting his inquiry and has denied that Dean leaked any of the FBI's reports to the Committee for the Re-election of the President or elsewhere.

Yesterday's unanimous vote to ask that Dean appear before the Judiciary Committee was taken during an executive session in which Democrats were reportedly in no mood to compromise.

According to sources present at the meeting, Republican members contended that the invitation to Dean should include an agreement that he be questioned only about his dealings with Gray and the use of FBI data.

However, in the midst of the discussion Sen. John McClellan (D-Ark.), who is considered a key swing vote in the committee, announced that he favored an unrestricted invitation and the Republicans' argument was aban-

doned, the sources said. Democrats command a 9-7 majority of the committee, but votes seldom follow strict party lines in its deliberations.

Significantly, the sources reported that Sen. Charles McC. Mathias (R-Md.) did not join other GOP members of the committee in urging that

conditions be attached to the Dean invitation, and remained silent during the discussion.

Democrats opposing the Gray nomination are hopeful of winning Mathias' support in a showdown confirmation vote if Dean does not testify.

Following the voice vote to invite Dean to testify, Sen. Philip Hart (D-Mich.) successfully moved to invite three other witnesses whose names have figured in the Gray confirmation hearings: Judith Hoback, the former assistant to the treasurer of the Committee for the Re-election of the

President; Thomas Lombard, a Washington lawyer who says he worked with Dean and Liddy on a Nixon campaign project; and Thomas Bishop, former deputy director of the FBI.

The vote to call Bishop passed 14 to 1; Mrs. Hoback was unanimously requested to appear and Lombard's invitation cleared on an 8-7 vote, with Mathias voting with the Democrats and Eastland with the Republicans. McClellan

had by then left the meeting.

Of the three, only Lombard accepted the invitation, and his testimony was scheduled for 2 p.m. today. Lombard, a former assistant U.S. attorney here, has said that Dean and Watergate conspirator Liddy worked closely together on campaign finance matters.

Bishop recently retired from the FBI after reportedly disagreeing with Gray's management. Gray has said Bishop was involved in sending a teletype message—over Gray's name—to FBI field offices asking for information that would aid the White House in President Nixon's campaign. Gray has maintained he did not know about the message until after it was sent and would not have approved it.

Mrs. Hoback, who declined her invitation yesterday afternoon, has signed an affidavit saying that within 48 hours of a supposedly confidential FBI interview, she was questioned about the interview by officials of President Nixon's re-election committee.

Senators have said they particularly want to question Dean about whether he told the Nixon campaign organization about Mrs. Hoback's interview. They also want to discuss another alleged breach of the confidentiality of FBI files, this one dealing with Donald H. Segretti.

Segretti, an alleged political saboteur working on behalf of the Nixon re-election effort, reportedly was shown copies of his own FBI reports by Nixon campaign aides during the Republican National Convention in Miami Beach. The White House has denied suggestions that Dean showed them to Segretti.

In another matter relating to Dean, Common Cause obtained a subpoena yesterday for Dean and six presidential campaign aides in an attempt to get information about the collection of funds by the President's re-election committee.

The White House is expected to resist the subpoena

of Dean. Common Cause, a citizens' lobbying organization, has sued to force disclosure of the names of Nixon campaign contributors who gave prior to April 7, 1972, when the new election finance law took effect.

Attorneys for Common Cause maintain that the old law also required full disclosure. As a result of the suit, the Nixon committee previously agreed to disclose the names of some donors who contributed about \$5 million prior to April 7. There is at least another \$3 million in undisclosed contributions.

The six other persons subpoenaed are Nixon campaign aides Jeb Stuart Magruder, Robert C. Odle Jr., DeVan L. Shumway, Murray M. Chotiner, Hugh W. Sloan Jr. and Harry S. Fleming. The subpoenas call for "all letters, correspondence, documents, records, memoranda, and other writings" that relate to virtually every aspect of the President's campaign finance operation.

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58. On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March '13, 1973 meeting:

	TRANSCRIPT PAGE
Advisability of public disclosure	16-19, 65-69
Possible public testimony of Sloan, Kalmbach, Stans and Mitchell.	46-49
The pre-June 1972 role of Gordon Strachan in Watergate and Strachan's statements to investigators	58-59
The pre-June role of Jeb Magruder in Watergate. . . .	59-60
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TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, JOHN DEAN AND H. R. HALDEMAN
ON
MARCH 13, 1973, FROM 12:42 TO 2:00 P.M.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING AMONG THE PRESIDENT,
JOHN DEAN AND H. R. HALDEMAN ON MARCH 13, 1973,
FROM 12:42 TO 2:00 P.M.

HALDEMAN: Say, did you raise the question with the President on,
on, uh, Colson as a consultant?

DEAN: No, I didn't.

HALDEMAN: Was that somebody [unintelligible]?

DEAN: It was -- the thought was --

PRESIDENT: [Unintelligible]

DEAN: well [unintelligible] it's a consultant without doing
any consulting -- Yeah.

HALDEMAN: He wanted it [unintelligible]

DEAN: He wants it for continued protection on, uh --

HALDEMAN: Solely for the purposes of, of executive privilege
protection. So that --

DEAN: One of those things that's kept down in the personnel
office, and nothing's done on it.

PRESIDENT: What happens to Chapin?

DEAN: Well, Chapin doesn't have quite the same problems appearing that Colson will.

HALDEMAN: Yeah but -- you have the same, you, you have the same problems as Chapin appearing versus Colson.

PRESIDENT: Well, can't -- That would be such an obvious fraud to have both of them as consultants, that that won't work. I think he's right. Uh, you'd have to leave Chapin --

HALDEMAN: Well, you can't make Chapin a consultant, I -- we've already said he's not,

PRESIDENT: Yeah.

DEAN: Yeah.

HALDEMAN: 'cause we wanted the separation. The question is, if he -- are, are you then, going to let -- As of now, the way they have interpreted executive privilege, is that you are not going to let Chapin testify,

PRESIDENT: Anybody.

HALDEMAN: because it applies to executive privilege but --

PRESIDENT: [Unintelligible]

HALDEMAN: by the former people in relation to matters while they were here.

DEAN: And the problem area is that Chuck --

HALDEMAN: That same thing would apply to Colson.

DEAN: Well, yes, if Chuck were truly going to be doing nothing from the, this day on.

HALDEMAN: That's right. He's concerned about what he's doing. Colson's concerned about what he's doing from now on, and he would apply the consulting thing to what, to if he were called regarding actions taken now

DEAN: That's right.

HALDEMAN: that relate to Watergate actions.

DEAN: Probably 'cause, because [unintelligible] he will be out stirring up, you know, uh, counter-news attacks and things of this nature and --

PRESIDENT: Jesus Christ. Is he supposed to do that and be consulting with the President on it?

DEAN: No, no. But he's consulting, uh, it's a, you know, wide open consultantship. It doesn't mean he consults with you.

HALDEMAN: Your idea was just to put this in the drawer, in case [unintelligible]

DEAN: Put it in the drawer, and then --

PRESIDENT: Not decide it.

HALDEMAN: Uh, it would be a consultant without pay.

DEAN: I'd even tell Chuck that, uh, that, well, just tell Chuck something,

HALDEMAN: Better not tell Chuck. Chuck's [unintelligible]

DEAN: is, there is something in the drawer. And just say we --

PRESIDENT: There is no reason to tell Chuck is there? Why -- I would, I would tell him that, uh, for -- he's not to say anything, frankly.

HALDEMAN: The point would be to date it back last Saturday, so it, it's continuous.

DEAN: Continuous.

PRESIDENT: That, that is his consultant fee stopped, for the present time, but he's still available for purposes of consulting on various problems and the like.

DEAN: Right.

PRESIDENT: Unpaid consultant?

DEAN: Yes.

[Laughter]

HALDEMAN: We have some of those.

PRESIDENT: Good ones.

HALDEMAN: That's right.

PRESIDENT: Well, uh -- What are the latest developments Bob should get something on?

DEAN: Yeah. Uh --

PRESIDENT: Before going into that uh, uh, I was wondering on that, on that, [unintelligible] jackassery about some kid who was infiltrating peace groups, which of course is perfectly proper. Christ, I hope they were. I would hope, I would expect we were heavily infiltrated that way, too.

DEAN: The only, the only problem there, Mr. President, is that --

PRESIDENT: Did he get paid?

DEAN: Uh, he was paid, uh --

PRESIDENT: By check?

DEAN: Uh, he was paid by personal check of another person over there who, in turn, was taking it out of expense money. Uh, when the ultimate source of the money -- as best, as quickly as we've been able to trace it -- was pre-April 7th money. Uh, there, there could be some potential embarrassment for Ken Reitz, uh, along the way.

PRESIDENT: Oh. Working for him.

DEAN: So he is -- But I, I, I think it's a confined situation. Obviously it's something that's going to come up with the Ervin hearings, but, uh, it's not, not another new Liddy-Hunt, uh, operation.

PRESIDENT: Well, it's such a shit-ass way to think.

DEAN: Oh, it is.

PRESIDENT: For Christ sake.

DEAN: It is.

PRESIDENT: I mean, uh, what, what happened to the kid? Did he just, uh, decide to be a hero?

DEAN: That's right. He apparently chatted about it around school, and the word got out, and he got confronted with it and he knew he'd chatted about it, so there he was. It's, uh, absurd; it really is. He didn't do anything illegal. Uh --

PRESIDENT: [Unintelligible]. Apparently you haven't been able to do anything on my

DEAN: But I have, sir --

PRESIDENT: project of take the offensive

DEAN: No, to the contrary.

PRESIDENT: based on Sullivan.

DEAN: No, uh --

PRESIDENT: Did you kick a few butts around?

DEAN: Uh, I have all of the information that we have finished -- that we've collected. There is some there, and, uh, I've turned it over to Baroody. Baroody is having a speech drafted for Barry Goldwater. And there's enough material there to make a rather sensational speech just by: "Why in the hell isn't somebody looking into what happened to President Nixon when, during his campaign -- look at these events. How do you explain these? Where are the answers to these questions?" Uh, there's enough of a thread, I've --

PRESIDENT: Double standard.

DEAN: Yeah, and I've, I've pulled all the information --

PRESIDENT: Also, the Senator then should also present it to the, uh, to the Ervin Committee and demand that that be included.

DEAN: A letter --

PRESIDENT: He is a Senator,

DEAN: What I'm working on now

PRESIDENT: a Senator --

DEAN: is a letter to Senator Ervin saying, "This has come to my attention, and why shouldn't, uh, why shouldn't this be a part of the inquiry?" And he can spring out of '64 and then quickly to '72. And, and we've got a pretty good speech, uh, Baroody tells me, if we can get out our material.

PRESIDENT: Good.

DEAN: So it's in the mill.

HALDEMAN: Good. [Unintelligible] friends have you got [unintelligible]

DEAN: That's right.

PRESIDENT: Thank God.

HANDEMAN: Why has there never been [unintelligible] come up and did it before?

PRESIDENT: Just wasn't enough stuff. They couldn't get anybody to pay any attention. For example, the investigations were supposed to have been taken for the thirty-four million-odd contributed to McGovern in small -- Oh Christ, there's a lot of hanky-panky in there, and the records used on it are just too bad to find out anything.

DEAN: That's one of the problems that he has--

PRESIDENT: That's the problem, and can that be an issue?

DEAN: That will be an issue. That we have -- There is a crew working that, also.

PRESIDENT: Do you need any IRS [unintelligible] stuff?

DEAN: Uh -- Not at the --

WAITER: Would you care for some coffee?

DEAN: No, thank you, I'm fine. Uh, there is no need at this hour for anything from IRS, and we have a couple of sources over there that I can go to. I don't have to fool around with Johnnie Walters or anybody, we can get right in and get what we need.

PRESIDENT: Talk to Elliot Gompers.

DEAN: I've, I've been preparing the, uh, the answers for the briefing book and I just raised this with Ron, uh. It's my estimation, for what it's worth, that probably this week will draw more Watergate questions than any other week you're likely to see, uh, given the Gray hearings, the new revelations about -- they're not new, but they're now substantiated -- about Kalmbach and Chapin that have been in the press.

PRESIDENT: To the effect of what? They --

DEAN: That Chapin directed Kalmbach to pay Segretti, the alleged saboteur, somewhere between thirty-five and forty thousand dollars. Uh, there is an awful lot of that out in the press now.

PRESIDENT: Yeah.

DEAN: There is also the question of Dean appearing, not appearing -- Dean's role. There was more stories in the Post this morning that are absolutely inaccurate, uh, about my turning information over to the Re-election Committee for uh, uh -- some woman over there, Mrs. Hoback, signed an affidavit, gave it to Birch Bayh, said that I was, uh, brought into Mardian's, Bob Mardian's office within forty-eight hours after a private interview I had with the Bureau, and confronted with it. How did they know that? Well, it came from internal sources over there, is how they knew it.

PRESIDENT: From what?

DEAN: Internal sources -- this girl had told others that she was doing this, and they just told, uh, just quickly filled her to the top when she was out on her own.

PRESIDENT: [Unintelligible]

DEAN: She did. Said we had two or three of those.

PRESIDENT: Why did she do that? Was she mad?

DEAN: She's a registered Democrat.

PRESIDENT: Why did we take her in?

DEAN: I'll -- To this day, I do not understand what she was doing. And she was --

PRESIDENT: Who was she working for?

DEAN: She worked in Stans' operation.

PRESIDENT: [Unintelligible] that was a bright move.

DEAN: It wasn't a good move. He had -- in fact, that was one of our problems, was the, uh, the little pocket of women that worked for Maury Stans. No doubt about it, that was -- things would have sailed a lot smoother without that pack. Not that they had anything that was devastating.

PRESIDENT: Yeah. Well, now, with regard to the questions, and so forth, sure, uh, it would be my opinion, though, not to, not to dodge it just because there are going to be questions.

DEAN: Well, it's going to be -- You're probably going to get more

questions this week. And the tough questions. And some of them don't have easy answers. For example, did Haldeman know that, uh, there was a Don Segretti out there? That question is, is likely.

PRESIDENT: Did he? I don't know.

DEAN: He had, he had knowledge that there was somebody in the field doing prankster-type activities.

PRESIDENT: Uh huh.

DEAN: Uh --

PRESIDENT: So I don't know that. [Unintelligible]

DEAN: So at this -- I mean that's the other thing --

PRESIDENT: Yes, but what about, what about my taking, uh, basically, just trying to have to fight this thing at one time. I can fight it later, but it's not going to get any better. I don't think that the way to get into this, did he know or not, I think the thing to say "This is a matter being considered by a committee and I'm not going to comment upon it while it's being -- I don't want to get into the business of taking each charge that comes up in the Committee and commenting on it. It is being considered by, and it's being investigated. I'm not going to comment on it."

DEAN: Well, that's, that's exactly the way I drafted these. I have kept them general answers.

PRESIDENT: And I just cut them off. No. If I start getting, I think, John, if I start breaking down -- it's like on the Court thing -- the Watergate stuff, I'm not going to comment on it. I know all of these questions. "I am not going to comment on that. That's a matter for the Committee to determine." Then, I'll repeat the fact that I, as far as the Watergate matter is concerned, there was no knowledge there, I am not going to comment on anything else. Let the Committee find out. What would you say? You don't agree?

DEAN: Well, uh, the bottom line, on, on a draft that -- before I came over for [laughs] lunch -- was, well, if you have nothing to hide, Mr. President, here at the White House, why aren't you willing to spread on the record everything you know about it? Why doesn't the Dean Report be made public? Why doesn't everyone come out? Why does Ziegler stand out there and bob and weave, and no-comment? That's, that's the bottom line.

PRESIDENT: Well, all right. What do you say to that?

DEAN: Well --

PRESIDENT: You -- we are furnishing information. We will do something.

DEAN: I think we -- well, of course, we have --

PRESIDENT: We have cooperated.

DEAN: We have cooperated with the FBI in the investigation of the Watergate.

PRESIDENT: That's right.

DEAN: We will cooperate with the investigation of, a proper investigation by the Senate.

PRESIDENT: Right. We will make statements.

DEAN: And, indeed, we have nothing to hide.

PRESIDENT: We have furnished information; we have nothing to hide. So we have [unintelligible] have to handle it.

DEAN: Uh huh.

PRESIDENT: What else can we do, really. I mean, we can't -- you see, I can't be in the position of basically hunkering down because we got a lot of tough questions on Watergate, and not go out

DEAN: True.

PRESIDENT: and, and talk on other issues because they're going to be, they're embarrassing. It's not going to get better. It's going to get worse. Do you agree?

DEAN: That's -- I would agree. I think it's cyclic somewhat. I think after the Gray thing takes one course one way or the other, there'll be a dead period of news on Watergate until the Ervin hearings start again.

PRESIDENT: Yeah.

DEAN: Uh, this has obviously sparked the news again.

PRESIDENT: Well, let me just, just run over the questions again. Now, isn't it best, "What about Mr. Haldeman, Mr. Segretti, and so forth." "That's a matter which is being considered by a Senate Committee; I'm not going to comment on it." That's true, isn't it?

DEAN: That's correct. That's specifically

PRESIDENT: [Unintelligible]

DEAN: spelled out in their resolution that they will --

PRESIDENT: I am not going to comment on that one [unintelligible] being considered by a committee. [Unintelligible] as I have already indicated. Uh, I am just not going to comment on it. You already indicated my views on the Watergate thing.

DEAN: Did Mr. Chapin's departure have something to do with his involvement with Segretti?

PRESIDENT: No. The answer's "No." And, uh, "But what about, uh, what about Mr. Dean?" My position is the same: "We are going to be -- We were -- We've been cooperative. We cooperated with the Justice Department, with the FBI -- completely -- in trying to, in furnishing information that was relevant in this matter. We will cooperate with the Committee under the rules that I have laid out in my statement on executive privilege." Period. Now what else? Let's see.

DEAN: Well, then, you'll get a barrage of questions probably on, will you supply, will Mr. Haldeman and Mr. Ehrlichman and Mr. Dean go up to the Committee and testify?

PRESIDENT: No. Absolutely not.

DEAN: Mr. Colson.

PRESIDENT: No. No.

DEAN: I think that's --

PRESIDENT: No. Absolutely not. I -- No. It isn't a question of, the question is not -- under what, uh, or somebody, or Ziegler, or somebody had said that, uh, that we, we in our executive privilege statement it was interpreted as

being that we would not furnish information. Oh, well.
We said we will furnish information, but we're not going to publicly testify. That's the position. But, will Dean, and all the rest, will they furnish, you'll furnish information, won't you?

DEAN: Yes. Indeed I will.

PRESIDENT: Yeah. Sure.

DEAN: Well, I think possibly by the time --

PRESIDENT: See, that's what I do. My feeling, John, is that I better hit it now, frankly, as tough as it is, and, uh, rather than just let it build up to where we, we're afraid of these questions and everybody and so forth, and let Ziegler get out there and bob and weave around. I know the easier thing is just to bug out, but I'd rather hit it now.

DEAN: You're right. I was afraid for the sake of debate, 'cause I was having reservations. And, uh,

PRESIDENT: I think so.

DEAN: uh, it is a, it, it's a bullet-biter and you just got to do it, and, because they're not going to go away, the questions. Now the other thing that we talked about in

the past, and I, I still have the same problem, is to have sort of a "Well, here it all is" approach. Uh, if we do that --

PRESIDENT: And let it all hang out.

DEAN: And let it all hang out, uh,

PRESIDENT: Yeah.

DEAN: uh, let's say with the Segretti situation --

PRESIDENT: I guess, I guess if we were going to do that, we have passed that point.

DEAN: We have passed that point plus the fact, they're not going to believe the truth. That's the incredible thing.

PRESIDENT: They won't believe the truth, they don't even believe when they convicted seven people.

DEAN: That's right. They will continually try to say that there is [unintelligible]

PRESIDENT: They'll say, "Haldeman did it." And then they'll say I did it.

DEAN: That's right.

PRESIDENT: I don't think they'll get to that point. They might question his political savvy, but not mine. Not on a matter like that.

DEAN: [Laughs]. No. Well, the thing on Sullivan which I have. Sullivan, uh, who as I told you, and, have been prompting him and I said, "Bill, I would like, for my own use, to have a list of some of the horrors that you're aware of." Well, he hasn't responded back to me, but he sent me a note yesterday saying that, "John, I am willing at any time to testify to what I know if you want me to." What he has, as we already know, has got a certain degree of, uh -- it's a, it's a dynamite situation what he's got already -- the '68 bugging, the surveillance that Goldwater [unintelligible]

PRESIDENT: It's not -- we [unintelligible] on the '68 bugging, that it was ordered, but he doesn't know whether it was carried out.

DEAN: That's right. Uh --

PRESIDENT: But at least he will say that --

DEAN: Yes.

PRESIDENT: Tell them, for example, I mean I --

DEAN: I would think --

PRESIDENT: That kind of thing.

DEAN: Well, I've never talked to Bill about this so it must be --

I've never really gone into detail, because he's always been very up close about it, but he is now getting to the point if, if we wanted him to do this, someone -- and I don't think the White House should do it -- should sit down with him and really take him over cross-examination of what he does know and, and how strong it is, what he can, can substantiate.

PRESIDENT: John, who the hell could do it if you don't?

DEAN: Well, that's, that's probably -- there's no one. That's the, uh --

PRESIDENT: That's the problem.

DEAN: That's the problem. Now, the other thing is, if we were going to use a tactic like this: Let's say in the Gray hearings

PRESIDENT: [Unintelligible]

DEAN: where everything is cast that, that we're, we're, that we're the political people and they're not -- that Hoover was above reproach, which is just not accurate.

PRESIDENT: Bull shit. Bull shit.

DEAN: Total bull shit. The, uh, the person who could, would destroy Hoover's image is going to be this man, Bill Sullivan. Uh, that's what's at stake there. Also, it's going to tarnish quite severely, uh --

PRESIDENT: Some of the FBI.

DEAN: some of the FBI. And a former President.

PRESIDENT: Fine.

DEAN: Uh, he's going to lay it out, and he, it's just all hell is going to break loose once he does it. It's going to change the atmosphere of the Gray hearings. It's going to change the whole atmosphere of the Watergate hearings.

PRESIDENT: Not much.

DEAN: Now the risk --

PRESIDENT: How will it change, John?

DEAN: How will it change? Because it'll put them in context that, that, uh, a government institute was used in the past for the most flagrant political purposes.

PRESIDENT: How does that help us?

DEAN: How does it help us?

PRESIDENT: I'm being, I'm just being --

DEAN: Yeah, I, I appreciate what you are doing.

PRESIDENT: Red herring. Is that what you mean?

DEAN: Yes. It's a, it's a red herring. It's what the public already believes. It's just that people would just, I would say react, that, oh Christ, more of that stuff. Uh, they're all, you know, they're all bad down there. Because it's a one way street right now --

PRESIDENT: [Unintelligible]

DEAN: Pardon.

PRESIDENT: Do you think the press would use it? They may not play it.

DEAN: It'd be difficult not to. Uh, it'd be difficult not to.

PRESIDENT: Why is it that Sullivan'd be willing to do this?

DEAN: I think the, the quid pro quo with Sullivan is that he wants someday back in the Bureau very badly.

PRESIDENT: That's easy.

DEAN: That's right.

PRESIDENT: Do you think after he did this to the Bureau that they'd want him back? "They," if there is a "they."

DEAN: Uh, probably not. But I think that, uh, he could also possibly do -- What, what Bill Sullivan's desire in life

is, is to set up a national, or domestic national security intelligence system, a plan, a program. He says we're deficient. Uh, we've never been ef--, efficient, since Hoover lost his guts several years ago. If you recall, he and Tom Huston worked on it. Uh, Tom Huston had your instruction to go out and do it. Then the whole thing just crumbled.

PRESIDENT: Do you think Hoover would have cooperated?

DEAN: That's all Sullivan really wants. Even if we just put him off studying it for a couple of years, we could put him out in the CIA or some place else where he felt --

PRESIDENT: Put him there; we'll do it.

DEAN: I think that's what the answer is. I've never really --

PRESIDENT: No problem with Sullivan. We'll put him -- I mean, he's a valuable man. Uh, now, would the FBI then turn on him, piss on him?

DEAN: There would be some effort at that. That's right, they would say he's disgruntled. He was canned by Hoover. He is angry, he's coming back. But that would kind of, I would think a lot of that would be lost in the, uh, in the shuffle of what he is laying out. I don't know if he's given me his best yet. I don't know if he's got more

ammunition than [unintelligible] he has already told me.
Those were just a couple off-the-cuff remarks.

PRESIDENT: And that's why you said that -- Why do you think he is
now telling you this? Why is he doing this now?

DEAN: Well, the way it came out is, when I, when the Time
Magazine article broke on the fact that it charged that
the White House had directed that newsmen and White
House staff people be, uh, subject to some sort of
surveillance for national security reasons, I called,
in tracking down what had happened, I called Sullivan
and I said, "Bill, you'd better come over and talk
to me about that and tell me what you know." I was
calling him to really determine if he was a leak. That's one
of the reasons. I was curious to know where this might
have come from because he was the operative man at the
Bureau at the time. He's the one who did it. Uh, he would
not, you know, he came over and he was shocked and, uh,
distracted, and, and the like [unintelligible] his own,
uh, uh, his own [unintelligible] [laughs] frankly, uh,
and then, and after going through his explanation of all
what had happened, he started volunteering this other

thing. He said, "John, what, this is the only thing I can think of during this Administration that has any taint of political use but it doesn't really bother me 'cause it was a national security purpose. These people worked -- there was sensitive material that was getting out, was getting out to reporters."

PRESIDENT: [Unintelligible] what we ordered?

DEAN: That's right.

PRESIDENT: Of course, [unintelligible] the stuff was involved in the God damned Vietnam War.

DEAN: That's right.

PRESIDENT: That's what it was.

NOTE: At this point, a portion of the discussion has been deleted.

DEAN: But he said, "John, what does bother me is that you all have been portrayed as politically using --"

PRESIDENT: And we never did.

DEAN: And we never have. He said the Eisenhower Administration didn't either. The only

PRESIDENT: Never.

DEAN: times that he can recall that there has been a real political use has been during Democratic tenure. I said, "For example, Bill, what are you talking about?" Then he told me this example of, of, uh, the Walter Jenkins affair, when DeLoach

PRESIDENT: Yeah.

DEAN: and, and Fortas, and --

PRESIDENT
and DEAN: [Unintelligible]

PRESIDENT: The Kennedys, the Kennedys used it, let me say, politically on that steel thing.

DEAN: That's right.

PRESIDENT: That was not, that was not a national security, was it?

DEAN: No. Now I asked, uh, I asked somebody about that and they told me that what happened there is that, uh -- they were being defensive of Kennedy, and so that the person who would defend Kennedy necessarily -- was saying that Kennedy had given Hoover orders and Hoover, being typical in his response, tried to get it yesterday as far as the answer

for the President. And that's why he sent people out in the middle of the night and the blame really fell on Hoover. And, and this might be [unintelligible] over there though, who knows.

PRESIDENT: [Unintelligible]

DEAN: Well, that's right.

PRESIDENT: It's still wrong.

DEAN: That's right. Sure.

PRESIDENT: Good God. Can you imagine if somebody -- steel company that had raised hell about, uh, or an automobile company, about, something, silly thing, Ruckelshaus does, and we send FBI agents out to arrest? Jesus Christ, now. Does he know about the bugging of Martin Luther King?

DEAN: Yep.

PRESIDENT: I wonder if he'd tell that, that would be good.

DEAN: I think he would tell everything he knows.

PRESIDENT: You do?

DEAN: Uh huh. That's why I'm saying he is, he is, he is a trem-- he's a bomb. Uh, now the fact is --

PRESIDENT: You really have to keep telling --

DEAN: Well, if that's, that's the, the real problem is, how it's structured, how can it be done. Uh, he sent me this note and I called up and I said, "Bill, I appreciate getting that note very much." I said, "It takes a lot of guts to send a note like that to me." And he said -- I said, "It's kind of a pleasure to see a man stand up, blowing a little smoke up him and the like." Uh, he said, "Well, John, I mean it. I am perfectly willing to do anything you want. If you want me to go up and testify, I will." I said, "Well, how much, you have just given me some tidbits that you, in our conversation and I would really like to again repeat: Can you put together what you do know; just for your own use right now, just put it together on a pad, go through all your recollections; and then also tell me how you can substantiate it, and, what kind of cross-examination you might be subject to on it if you did testify." So he is doing that. Now, the question I've, I've had is, how in the world can we program something like this? The, wa-- I, I just have a feeling that it would be bad for one Bill Sullivan to quietly appear up on, uh, on some Senator's doorstep, and say, "I've got some information you ought to have." "Well, where did you get

it? Where -- why are you up here?" "The White House sent me." That would be bad. The other thing is, maybe this information could be brought to the attention of the White House, and the White House could say to the, uh, to, uh, Eastland, "I think you ought to call an executive session and hear his testimony. This is quite troublesome, the information that has been presented to us. It's so troublesome, we can't hold it here and hope to, uh, and rest comfortable."

PRESIDENT: Why, why on the other hand doesn't he just present it to Eastland? I mean, uh -- Why executive session? That doesn't serve --

DEAN: Well it would, one, because you're trying -- The first approach would be not to destroy the Bureau, not to tarnish the name. It's going to leak out of there, though, quite obviously. If it doesn't, we'd make sure it did. Uh -- [coughs] If, if, uh, Sullivan went up to Eastland cold and just said, or Hruska, I would think they would say, "Go on back down to the Department of Justice where you work, and let's not start all this."

PRESIDENT: Suppose another thing, Patrick Gray says to either Eastland or to, or to Hruska or anybody on that Committee -- Who is the tiger on the Committee on our side, on the Committee, the Judiciary Committee?

DEAN: Cook's --

PRESIDENT: [Unintelligible]

DEAN: Gurney, Gurney has been good. Gurney was good during the ITT hearings, and he -- he'll study, he'll get prepared. Uh --

PRESIDENT: But, would he go after the Bureau? [Unintelligible]

DEAN: They're not going after the Bureau. What they are doing is, they're taking the testimony of somebody who is going after the Bureau.

PRESIDENT: Yeah. I know that. I'm just thinking of the --

DEAN: Yeah.

PRESIDENT: They all look down the road and see what would be the result of what they are doing is, won't they? I would think so. I mean, I'm just trying, how -- Would they go after Johnson? Let's look at the distant future. Uh, look at the -- How bad would it hurt the country, John, to have the FBI so terribly discredited? [Unintelligible]

DEAN: [Unintelligible] I've, I've, kicked this around with Dick Moore, these, these broader questions, and, I think it would be damaging to the FBI, uh, but maybe it's time to

shake the FBI and rebuild it.

PRESIDENT: [Unintelligible]

DEAN: I'm not so sure the FBI is everything it's cracked up to be. I, I'm convinced the FBI isn't everything the public thinks it is.

PRESIDENT: No.

DEAN: I know quite well it isn't.

PRESIDENT: [Unintelligible] if you could get, uh, Jerry Wilson in there rather than a political appointee. What is your feeling at the moment about Gray? Can he hang in? Should he? I don't know.

DEAN: Uh --

PRESIDENT: Awfully close.

DEAN: I -- they're going to vote this -- They have an executive session this afternoon to invite me to testify.

PRESIDENT: Sure.

DEAN: Uh, there's no question, they're going to invite me. Uh, I would say, based on how I handle the: (1) the formal letter that comes out of the Committee asking for information, and I programmed that they do get specific, just

what in the hell do they want to know that I've got, and lay it out in the letter that's sent down here asking me to appear so I can be responsive, fully --

PRESIDENT: Respond to the letter.

DEAN: Respond to the letter in full. I think I have, I feel I have nothing to hide, as far as, uh, the issue they've raised.

PRESIDENT: Would you respond under oath?

DEAN: I think I would be willing to, yes.

PRESIDENT: That's what I'd say because that's what I am preparing in the press thing. I'll say you'll respond under oath in a letter. You will not appear in a formal session.

DEAN: That's, that's our present position.

PRESIDENT: What if they say, what if they say, "Would he be willing to be questioned under oath?"

DEAN: That's not what the question is. Yes, I'd be willing to be questioned under oath, but we're not going up.

PRESIDENT: No, no. But here?

DEAN: Oh. I think that would be a hell of a bad precedent.

PRESIDENT: Okay. I just wanted to be sure we don't cross that bridge.
I agree. You -- but you would respond to written interrogatories.

DEAN: That's right.

PRESIDENT: That's it. Okay.

DEAN: Now, uh, after, after that, if we've been responsive, their argument for holding up Gray's confirmation based on me is, should be gone. Sure, they're going to say it raises more questions than it answers, but if we're -- but that can go on forever. We've taken the central points they want answers to, given them the responses, that puts something in Eastland's hand that can say, "All right, it's time, it's time to vote." And Eastland says he's got the votes to get Gray through. Now, but what happens on the Senate Floor is something else, 'cause Byrd is opposing Gray. Byrd's got good control of that Southern bloc.

PRESIDENT: Not totally.

DEAN: No.

PRESIDENT: Byrd is running for leader of the whole Senate. A lot of them may desert him on this.

DEAN: But Mansfield, on the other hand, of course, has come out

and said that he favors, initially he supported Gray's, uh, confirmation.

PRESIDENT: My feeling is that they would like [unintelligible], I think that they'd like to have a, an excuse not to do it. Maybe they'll use, not you, but all this crap about hearings [unintelligible]

DEAN: Well if they say, if they say they have to hold up Gray's confirmation until the Watergate hearings are completed --

PRESIDENT: Oh -- That's great.

DEAN: That's the vehicle --

PRESIDENT: The best of both worlds for us, John,

DEAN: That's right.

PRESIDENT: because Gray, in my opinion, should not be the head of the FBI. Not because of any character or other flaws or thoughtless flaws, but because he is going to be too much like Kleindienst. After going through the hell of the hearing, he will not be a good Director, as far as we're concerned.

DEAN: I think that's probably true. He'll be a, he'll be a very suspect Director. Not that I don't think Pat won't do what we want. I, I read him a little differently than

Dick in that regard. Like he's still keeping close touch with me. He's calling me. He's given me his private line. We talk at night, just how do you want me to handle this, so and so forth. So he still plays, playing in tight, and still being involved. But I think he --

PRESIDENT: But he couldn't do it.

DEAN: But he can't do it. He's under, he's going to be under such surveillance by his own people -- watch every move he's making -- uh, that'll be the difficult thing for Pat. Not that Pat wouldn't want to still play ball, but he may not be able to.

PRESIDENT: I agree. That's what I meant.

DEAN: Pat has already gotten himself, himself, in a situation where he's got this Mark Felt as his number two man. These other people are surrounding him. If you put a guy like Jerry Wilson in there he could just, you know, wipe this, and say, "Gentlemen, I'm putting my own team in, and I'm going to bring people in I've met around the country who are good office directors; Sacks out of Chicago," wherever, and just put his own team together for the, for the Headquarter's Office.

PRESIDENT: So where do you come out?

DEAN: Gray's already been locked into, to major personnel decisions. I wouldn't be surprised to see [unintelligible] occur if they say that they cannot go forward with Gray's hearings because of the Watergate.

PRESIDENT: Where would that be done, John, at what point in the Committee or on the Floor or both?

DEAN: It could happen. It would certainly be voted on first in the, uh, uh, in the Committee, in the Judiciary Committee.

PRESIDENT: [Unintelligible]

DEAN: The question is, then, whether, uh, it'll be put on the calendar by the leadership. I assume that that's --

PRESIDENT: The leadership might determine that we will not put it on the calendar until after the Watergate hearings.

DEAN: That's right.

PRESIDENT: Then we could then, Gray could then come in and say I will not wait that long.

DEAN: And they'll -- when they -- you're -- "This, you're, this is damaging to the leadership of the FBI, and I will have to withdraw based on this." What would be nice for all would be to get Gray voted out of the Committee

PRESIDENT: Yeah.

DEAN: with a, with a positive vote, uh, enough to get him out of Committee, and then lock him at limbo there.

PRESIDENT: What is Moore's judgment about Sullivan? Does he know?

DEAN: Yeah, he's, uh, uh, he says it's a piece of dynamite. He says it depends and we both agree, that it, it -- the way it would be done would be a secret, whether it was done. Whether -- this isn't the sort of thing we could just leap out and do. Have to be very carefully thought through. Have to be -- have to decide in advance should the White House not be involved or should we be involved? If we're going to play with it, we are going to probably have to say that we were involved and structure it in a way that there is nothing improper with our involvement.

PRESIDENT: The difficulty with the White House being involved is that if we are involved in pissing on Johnson, [unintelligible] that concerns me.

DEAN: That's right.

PRESIDENT: That's why it really ought to be, I mean -- If he could just --

DEAN: I suppose the answer is saying, to, to have him -- to say to him --

PRESIDENT: [Unintelligible]

DEAN: You've got, you know, this is something -- "What you've, you've intimated a few things to me, uh. The proper place to take that information is to the Senate Judiciary Committee or to the Attorney General, possibly." And then have Dick take it to the Committee. Or is that too close to the President, still?

PRESIDENT: First hand, if he takes it to the Committee, it's better if the Committee's conducting a hearing. [Unintelligible] Wait a minute, he works for the Attorney General, doesn't he.

DEAN: That's right. If he takes it to Kleindienst, Kleindienst is going to say, "Bill, just don't do it because you are going to take DeLoach's name down with it, and DeLoach is a friend of ours."

PRESIDENT: Bull shit.

DEAN: Something I have always questioned.

PRESIDENT: Nobody is a friend of ours. Let's face it. Don't worry about that sort of thing.

DEAN: Well, it's something I will, uh, I think I ought to [unintelligible] kick around with Dick Moore, 'cause --

PRESIDENT: Yeah.

DEAN: But first of all, I've got to, uh, just have to be thought through every inch of the way. It came here

PRESIDENT: Sure.

DEAN: late yesterday afternoon.

PRESIDENT: Sure.

DEAN: It was not -- Bob said, uh, when I talked to him, he said he was quite excited about it, as Ehrlichman said, gave a very favorable "Uh huh." Uh, and I said, "Well, I'm not going to rush anything on this. It's -- We've a little bomb here that we might want to drop at one"

PRESIDENT: Yeah.

DEAN: "point down the road."

PRESIDENT: Yeah, yeah.

DEAN: Maybe, maybe the forum to do it is something totally out of the Committee context between the Gray confirmation hearings and the Watergate hearings. Maybe let him go over to U. S. News, or, who knows what it would be, but we ought to consider every option, now that we've got it, and see if --

PRESIDENT: Rather than doing it in a hearing, doing it in the press. Then that will force the hearing to call him. That's another way you can do on this. Have him be selected to

DEAN: Give an interview.

PRESIDENT: to give an interview. I would do it in U. S. News. Do it in [unintelligible] wire service guy or something. A respected damn reporter. Why not go to a jackass like Mollenhoff? No, he's too close to us.

DEAN: Well, that's interesting. Now, Mollenhoff is, is close but by God, you can't program Mollenhoff to do anything.

PRESIDENT: No.

DEAN: And if, uh --

PRESIDENT: No. And also, we are in a position on Mollenhoff, who's been fighting us some, that maybe, maybe Mollenhoff would be a pretty good prospect for this thing because it's the kind of a story he loves, he digs on some. You couldn't tell him, however, uh [unintelligible] story part. Or Sullivan just goes to talk to him, says, "Well, now, hell, you're a hell of a, hell of a guy, and, uh, I just want to tell you a few things."

DEAN: Or, can you call Clark and say -- can I call Clark and say, "Listen, Clark, a guy has brought me a piece of dynamite I don't even want in the White House?"

PRESIDENT: He will write that, though, won't he?

DEAN: Yeah. Because that'd look like that's a set-up deal. Well, Clark Mollenhoff is the first guy to uncover

PRESIDENT: Yeah.

DEAN: [unintelligible] anything, and he will say no way.

PRESIDENT: But he's willing to do it.

DEAN: Uh huh.

PRESIDENT: That's very important, at least.

DEAN: Uh huh.

PRESIDENT: Broadens the scope. Getting to the bottom of the whole thing, don't you feel that that's the need here is to broaden the scope of the damned thing, instead of --

DEAN: The focus is right on us. That's the problem.

PRESIDENT: Yeah. Nothing on the Democrats, and nothing,

DEAN: Nothing.

PRESIDENT: nothing on what the previous three Administrations did.

DEAN: Nothing. It's making,

PRESIDENT: Yeah.

DEAN: well, it, it -- of course it's still a Washington story. You go out of this city

PRESIDENT: I know.

DEAN: and you can't find anybody that even knows what's happening. Although it's increased in the network coverage. That NBC thing last night, which is just a travesty as far as -- the very thing Ron was talking about, about shabby journalism. They took the worst edited clips they could, out of context, to respond to things they would say on the lead and they would have a little clip of Ron saying, "Well, I deny that." And he was denying something totally other than what they were talking about in their charge. It was incredible. Someone is going through and putting that all together right now, and, Ron ought to be able to have a field day back with that one on NBC. It was just ver--, it was very, very dishonest television reporting of a sequence of events. It was out of sequence.

PRESIDENT: Well, you see, John -- Yeah. I know the situation. Ervin gets up there and, you know, gassing around, he was huffing and puffing about his being a great Constitutional lawyer and all. I guess it just makes us wonder about our first decision, doesn't it, [unintelligible] about sending Gray up. Probably a mistake, but then, we didn't anticipate --

DEAN: Well --

PRESIDENT: Or you think not. Who knows?

DEAN: Who knows? That's right. Uh, if you didn't send him up, why didn't you send him up. Because he was --

PRESIDENT: Right. I know. That's what they --

DEAN: That's true.

PRESIDENT: That's what they -- You send somebody else up to take them on, not a big clown. You know what I mean?

DEAN: Yeah.

PRESIDENT: I won't even announce any [unintelligible]. I think the problem is, the reason that the Senate was not [unintelligible] being reasonable was because [unintelligible] a lot of this stuff hanging out there [unintelligible] Ervin Committee.

DEAN: Well, we, you know, one, one thing is that I, the saturation level of the American people on this story is [laughs] depressing. Pretty close -- in fact [laughs] the saturation level in this city is getting pretty high now. They can't take too much more of this stuff.

PRESIDENT: Think not?

DEAN: Nothing, nothing really new is coming out.

PRESIDENT: Some kid, they said-- I don't think that anybody, incidentally, will care about somebody infiltrating the peace movement that was demonstrating against the President, particularly on the war in Vietnam. Do you think so?

DEAN: No.

PRESIDENT: Anyway, I don't care about that. What happened to this Texas guy that took his money back? Was he --

DEAN: All hell broke loose for him after. This was Allen.

PRESIDENT: No, no. Allen -- yeah.

DEAN: Allen, not Duncan, there were two

PRESIDENT: Nothing to do [unintelligible].

DEAN: [Unintelligible]. All hell broke loose for Allen for this reason: He, uh, uh -- The money apparently originally came out of a subsidiary of one of Allen's corporations down in Mexico. It went to a lawyer in Mexico who put it down as a fee billed to the subsidiary. Then the, then the lawyer, the Mexican lawyer, sent it back into the States, and it came back up here. But, the weakness of

it is, is, uh, the Mexican lawyer: (1) didn't have a legitimate fee; (2) it could be corporate contribution. So Allen wanted, and Allen had personally put a note up with the corporation to cover it. But Allen is meanwhile having problems with his wife, and a divorce is pending, and tax problems. So he --

PRESIDENT: [Unintelligible], The only problem I saw there was where you put it off -- lay it off -- [unintelligible] the fact that it was being used for Watergate.

DEAN: That's -- I don't know why that went in the letter. I, uh -- it wasn't used for the Watergate. That's the, that's the interesting thing.

PRESIDENT: It wasn't?

DEAN: No. It was not. What happened is these Mexican checks came in. They were given to Gordon Liddy, who said, "What do we -- why don't you get these cashed?" Gordon Liddy, in turn, took them down to this fellow, Barker, in Florida, and said, "Would you cash these Mexican checks." Uh, and so that's how they went through Barker's bank account back in here. They could have been just as easily cashed at the Riggs Bank. There was nothing wrong [laughs] with the checks. Why all that rigamarole? It's just like

a lot of other things that happened over there. God knows why it was all done. It was totally unnecessary, and it was money that was not directly involved in the Watergate. It wasn't a, a wash operation to, to get money back in to Liddy, and the like.

PRESIDENT: Who is going to be the worst witness up there?

DEAN: Sloan.

PRESIDENT: Unfortunate.

DEAN: Without a doubt. He's --

PRESIDENT: He's scared?

DEAN: He's scared. He's weak. He has a, uh, a compulsion to, uh, cleanse his soul by confession. Now, we're, he's going, we're giving him a lot of stroking, uh, telling him you're doing a beautiful job. The funny thing is, this fellow goes down to the Court House here before Sirica, testifies [laughs] as honestly as he can testify, and Sirica looks around and calls him a liar. [Laughs] He's a sad -- Sloan can't win. So Kalmbach has been dealing with Sloan. Sloan [unintelligible] as a child. Kalmbach has done a lot of that. The person that will have the greatest problem with -- as a result of Sloan's testimony is Kalmbach

and Stans. So they're working closely with him to make sure that he settles down.

PRESIDENT: Kalmbach will be a good witness.

DEAN: Oh yes.

PRESIDENT: Knowing what Kalmbach has been through.

DEAN: Kalmbach has borne up very well. In fact, I decided he may be --

PRESIDENT: Kalmbach, Kalmbach, of course, this is somewhat embarrassing, he is, they say, lawyer for the President. Well, hell, I don't need a lawyer. He handles that, that property out there.

DEAN: He's sensitive on that point. He, uh, over -- he saw a briefing, uh, saw a transcript of a, of a briefing where Ron was saying, "Well, he's really not, that's not the right nomenclature, this 'personal attorney'." Herb said, "Well, gee whiz. I don't know if Ron knows what all I do." And I said, "Herb, well, don't worry about it."

PRESIDENT: Well, what I meant is that this -- I don't care about that, but I meant, it's just the fact that it's played that way, as if he's in, that I am, he's in talking to me all the time. I don't ask him [unintelligible]

DEAN: I know that.

PRESIDENT: I don't talk to him about anything. I mean, I don't know, I see Herb once a year when he brings the income tax returns.

DEAN: That's right.

PRESIDENT: I'm sure that he, he handles that San Clemente property and all the rest, but he's, he isn't a lawyer in the sense that most people have a lawyer.

DEAN: No, no. Although he didn't even handle the estate plan, he's done some, you know, dove-tailing on it, like --

PRESIDENT: Well, but anyway, we don't want to back off of him.

DEAN: No. Anyway he's solid. He's solid.

PRESIDENT: He will, uh, how does he tell a story when he gets, [unintelligible]? He's got a pretty hard row to hoe, he and Stans have.

DEAN: He'll be good. He's going over every -- Herb is the kind of guy who will check, not once, not twice, on his story, not three times, but probably fifty to a hundred times. Literally. He will go over it. He will know it. There won't be a hole in it. He'll have thought it -- he, he'll do his own Q. and A. He'll be -- have people cross-examine him from ten ways.

PRESIDENT: Good.

DEAN: He will be ready, as John Mitchell will be ready, as Maury Stans will be ready.

PRESIDENT: Yeah.

DEAN: Uh, it's, uh --

PRESIDENT: Mitchell is now studying, is he?

DEAN: He is studying. Sloan will be the worst witness. I think Magruder will be a good witness. This fellow, Bart Porter, will be a good witness. They've already been through it, they've been through Grand Jury. They have been through trial. Uh, they did well. [Coughs] And then, of course, people around here

PRESIDENT: I [unintelligible]

DEAN: won't be witnesses.

PRESIDENT: They won't be witnesses.

DEAN: Won't be witnesses.

PRESIDENT: Hell, no. They will make statements. That's -- That'll be the line which I think we've got to get across to Ziegler, in all of his briefings where he is constantly saying we

will furnish information. That is not the question. It is how it's to be furnished, and we will not furnish it in a formal session. That would be to break down the privilege. Period. Do you agree with that?

DEAN: I agree. I agree. I have always thought that's the bottom line, and I think that's the good thing about what's happening in the Gray hearings right now. If we, they send a letter down with specific questions, I send back written interrogatories, sworn. You know as a, as a lawyer, that, uh, you can handle written interrog--, interrogatories, where cross-examination is another ball game.

PRESIDENT: I know.

DEAN: They can -- you can make a person look like they're inaccurate even if they're, even if they are trying to tell the truth.

PRESIDENT: "Well now, really, you sh--, you can't mean that." You know, uh, I know -- All their face-making and all that crap. I know; [unintelligible]. Written interrogatories you can --

DEAN: Can be artfully, accurately answered and give the full information.

PRESIDENT: [Unintelligible] that there will be total and full [unintelligible].

Well, what about the sentencing. When the hell is he going to sentence?

DEAN: We thought he was going to sentence last Friday. Uh,

PRESIDENT: I know; you've said that.

DEAN: no one knows what in the world Sirica is doing. It's getting to be a long time now. It frankly is.

PRESIDENT: [Unintelligible]

DEAN: And no one really has a good estimation of how he will sentence. There's some feeling that he will sentence Liddy the heaviest. Liddy's already in jail; he's in Danbury. He wants, he wanted to start serving so he can get good time going. Uh, but Hunt, he'll probably be very fair with.

PRESIDENT: Why?

DEAN: Pardon?

PRESIDENT: Why? Why Hunt?

DEAN: He likes Hunt. He liked Hunt. He thought Hunt was being open with him and candid, and Hunt gave a statement in open court that he didn't know of any higher-ups involved and, and, uh, Hunt didn't put him through the rigors of

trial, and Hunt was a beaten man, the loss of his wife, uh, was ill, they tried to move and have a, him severed from the trial. And Hunt didn't cause a lot of problems. Bittman was cooperative, uh. Whereas Liddy played the, played the heavy in the trial. His lawyer raised all the objections and the like, and embarrassed, uh, the judge for some in-chambers things he'd said, and --

PRESIDENT: But Liddy's going to appeal the sentence?

DEAN: Liddy is going to appeal the decision, uh, the trial. He will appeal, appeal that.

PRESIDENT: He will appeal the trial?

DEAN: Trial -- And there's --

PRESIDENT: He was convicted.

DEAN: There is an outside chance that this man has gone, this judge has gone so far in his zeal to be a special prosecutor --

PRESIDENT: Well, some of those statements from the bench --

DEAN: Incredible statements.

PRESIDENT: To me, to me, incredible.

DEAN: Commenting on witnesses' testimony before the jury, was just incredible. Incredible. So he may have, there may be a mistrial. I don't -- There may be reversible error, even. I don't know.

PRESIDENT: What about the Cubans?

DEAN: The Cubans will probably be thought of as hired hands, and nowhere near the sentences of Liddy, I would think. Uh, not all of them. Barker, uh, the lead Cuban, may get more than the others. It's hard to say. I, you know, I just don't have any idea. Sirica's a strange man. He is known as a hanging judge. Uh --

PRESIDENT: That's the kind that I want.

DEAN: That's right. [Laughs]

PRESIDENT: I understand.

DEAN: That's right. He's tough. He, he is tough. Now, the other thing, Sirica -- there was some indication that Sirica might be putting together a panel. They have this system down there now, based on this informal agreement, where a judge, a sentencing judge, convenes a panel of his own to take advice from. If Sirica were being shrewd, he just might get himself a panel and take their recommendations.

PRESIDENT: When will the Ervin thing be hitting the fan most,
I mean [unintelligible]

DEAN: Well, I would say that, uh, uh, the best indications
we have now is public hearings will probably start about
the first of May. Now, they will, you know, there'll be
a big, probably, bang of interest, initially. We have
no idea how they will proceed yet. We do have sources to
find that out, other than Baker. Incidentally, Kleindienst
was, was, had called Ervin again, returned the call. Ervin
is going to see him this week, uh, with Baker. That's --

PRESIDENT: Public hearings the first of May. Well, that'll be a big
show. The public hearings, I wouldn't think, though, I
know from ex--, experience that, my guess is that, uh, I think
they could get through about three weeks of those and then
I think it begins to peter out somewhat. Do you agree?

DEAN: No, I --

PRESIDENT: ITT went longer, but that was a different thing, and it
seemed more important.

DEAN: When I told Bob, oh, several months ago, I hope they don't
think [unintelligible]. He said the way they could have

those hearings and do a masterful job on us, is to hold one hearing a week on Thursdays, Thursday mornings, they cov--, they cover it live. That way, you'd get live coverage that day; you'd get the networks that night; the national magazines that week; the -- get the weekend wrap-ups. You could stretch this thing out for nearly --

PRESIDENT: We should insist -- Our members of the Committee at least should insist, "Let's get it over with, and go through five day sessions, and so forth."

DEAN: Yeah. Well, they, you know, they, they're not that, I don't think they are that

PRESIDENT: No.

DEAN: perceptive to, to figure that.

PRESIDENT: Well, so be it. This is a, I mean, I noticed in the news summary Buchanan was viewing with alarm the [unintelligible] the great crisis in the confidence of the Presidency, and so forth. [Unintelligible]

DEAN: Well, the best way --

PRESIDENT: How much?

DEAN: Pardon?

PRESIDENT: How much of a crisis? I mean, it'll be, it'll be in a newspaper [unintelligible] but the point is that everything is a crisis. I mean, Christ, we've had -- screw around with this thing for a while [unintelligible] it'll be mainly a crisis among the upper intellectual types, the ass holes, you know, the

DEAN: That's right.

PRESIDENT: soft heads, soft -- our own, too -- Republicans, Democrats and the rest. Average people won't think it is much of a crisis unless it affects them. But it'll go on and on and on.

DEAN: Well, I think it'll -- I, I, you know, I think after the Ervin hearings, they are going to find so much -- there will be some new revelations. Uh, I don't think that, uh, the thing will get out of hand. I have no reason to believe it will.

PRESIDENT: Oh, yes, there'll be the revelations in, in Watergate. They, they [unintelligible]? That's the point.

DEAN: Well, they want to, they want to find out who --

PRESIDENT: Who -- is there a higher up?

DEAN: Is there a higher up?

PRESIDENT: They're really, let's face it, after, I think they are really after, uh, Haldeman.

DEAN: Haldeman and Mitchell.

PRESIDENT: Mitchell -- I mean, Colson is not a big enough name for them. He really isn't. You know, he is a thorn in their side, but Colson's name bothers them none. So they get Colson. They're after Haldeman and after Mitchell. Don't you think so?

DEAN: That's right. Or I bet they'd take Ehrlichman if they could drag him in but they've been unable to drag him in in any way.

PRESIDENT: Ultimately, uh, Haldeman, uh, Haldeman's problem is Chapin, isn't it?

DEAN: Bob's problem is, is circumstantial.

PRESIDENT: What I meant is, looking at the circumstantial, I don't know that [unintelligible]. On top of that, Bob had nothing -- didn't know any of those people, like the Hunts and all that bunch. Colson did. But, uh, Bob, Bob did know Chapin.

DEAN: That's right.

PRESIDENT: Now, what -- Now however the hell much Chapin knew I'll

be God damned, I don't know.

DEAN: Well, Chapin didn't know anything about the Watergate, and --

PRESIDENT: You don't think so?

DEAN: No. Absolutely not.

PRESIDENT: Did Strachan?

DEAN: Yes.

PRESIDENT: He knew?

DEAN: Yes.

PRESIDENT: About the Watergate?

DEAN: Yes.

PRESIDENT: Well, then, Bob knew. He probably told Bob, then. He may not have. He may not have.

DEAN: He was, he was judicious in what he, in what he relayed, and, uh, but Strachan is as tough as nails. I --

PRESIDENT: What'll he say? Just go in and say he didn't know?

DEAN: He'll go in and stonewall it and say, "I don't know anything about what you are talking about." He has already done it twice, as you know, in interviews.

PRESIDENT: Yeah. I guess he should, shouldn't he, in the interests of -- Why? I suppose we can't call that justice, can we? We can't call it [unintelligible]

DEAN: Well, it, it --

PRESIDENT: The point is, how do you justify that?

DEAN: It's a, it's a personal loyalty with him. He doesn't want it any other way. He didn't have to be told. He didn't have to be asked. It just is something that he found is the way he wanted to handle the situation.

PRESIDENT: But he knew? He knew about Watergate? Strachan did?

DEAN: Uh huh.

PRESIDENT: I'll be damned. Well, that's the problem in Bob's case, isn't it. It's not Chapin then, but Strachan. 'Cause Strachan worked for him.

DEAN: Uh huh. They would have one hell of a time proving that Strachan had knowledge of it, though.

PRESIDENT: Who knew better? Magruder?

DEAN: Well, Magruder and Liddy.

PRESIDENT: Ahh -- I see. The other weak link for Bob is Magruder, too. He having hired him and so forth.

DEAN: That's applies to Mitchell, too.

PRESIDENT: Mitchell--Magruder. Now, where do you see Colson coming into it? Do you think he knew, knew quite a bit, I can't -- I can't -- yet he could know a great deal about a lot of other things and not a hell of a lot about this, but I don't know.

DEAN: Well, I've never --

PRESIDENT: He sure as hell knows Hunt. That we know. And was very close to him.

DEAN: Chuck has told me that he had no knowledge, uh, specific knowledge, of the Watergate incident before it occurred. Uh, there have been tidbits, that I have raised with Chuck, I have not played any games with him, I said, "Chuck, I have indications --"

PRESIDENT: Don't play games.

DEAN: I don't -- I --

PRESIDENT: You've got to be -- the lawyer has got to know everything.

DEAN: That's right. And I said, "Chuck, people have said that you were involved in this, involved in that, involved in this." And he said, "I -- that's not true," and so on and so forth. Uh, I don't, I think that Chuck had knowledge that something was going on over there. A lot of people around

here had knowledge that something was going on over there. They didn't have any knowledge of the details of the specifics of, of the whole thing.

PRESIDENT: You know, that must, must be an indication, though, of the fact that, that they had God damn poor pickings. Because naturally anybody, either Chuck or Bob, uh, was always reporting to me about what was going on. If they ever got any information they would certainly have told me that we got some information, but they never had a God damn [laughs] thing to report. What was the matter? Did they never get anything out of the damn thing?

DEAN: No. I don't think they ever got anything.

PRESIDENT: It was a dry hole, huh?

DEAN: That's right.

PRESIDENT: Jesus Christ.

DEAN: Well, they were just really getting started.

PRESIDENT: Yeah. Yeah. But, uh, Bob one time said something about the fact we got some information about this or that or the other, but, I, I think it was about the Convention, what they were planning, I said [unintelligible]. So I assume that must have been MacGregor, I mean not MacGregor, but Segretti.

DEAN: No.

PRESIDENT: Bob must have known about Segretti.

DEAN: Well, I -- Segretti really wasn't involved in the intelligence-gathering to speak of at all.

PRESIDENT: Oh, he wasn't?

DEAN: No, he wasn't, he was out just, he was out --

PRESIDENT: Who the hell was gathering intelligence?

DEAN: That was Liddy and his, his outfit.

PRESIDENT: I see. Apart from Watergate?

DEAN: That's, well, that's right. That was part of their whole -- Watergate was part of intelligence-gathering, and this

PRESIDENT: Well, that's a perfectly legitimate thing. I guess that's what it was

DEAN: What happened is they --

PRESIDENT: What a stupid thing. Pointless. That was the stupid thing.

DEAN: That was incredible. That's right. That's right.

PRESIDENT: [Unintelligible] to think that Mitchell and Bob would allow, would have allowed this kind of operation to be in the Committee.

DEAN: I don't think he knew it was there.

PRESIDENT: You kidding?

DEAN: I don't --

PRESIDENT: You don't think Mitchell knew about this thing?

DEAN: Oh, no, no, no. Don't mis-- I don't think he knew that people -- I think he knew that Liddy was out intelligence-gathering.

PRESIDENT: Well?

DEAN: I don't think he knew that Liddy would use a fellow like McCord, for God's sake, who worked for the Committee. I can't believe that. Uh, you know, that --

PRESIDENT: Hunt? Did Mitchell know Hunt?

DEAN: I don't think Mitchell knew about Hunt either.

PRESIDENT: So Mitchell's thing is [unintelligible] said, "Gee, and I hired this fellow and I told him to gather intelligence, but I -- " Maybe [unintelligible].

DEAN: That's right.

PRESIDENT: Magruder says the same thing?

DEAN: Magruder says that -- as he did in the trial -- he said, it was, uh, -- "Well, of course, my name has been dragged in as the guy who sent Liddy over there," which is an interesting thing. That's a --

PRESIDENT: [Unintelligible]

DEAN: That's right. They said, well what happened is -- Magruder asked for a lawyer -- he wanted to hire my deputy over there for General Counsel and I said, "No way. I can't give him up."

PRESIDENT: Was Liddy your deputy?

DEAN: No, Liddy never worked for me. Uh, there was this fellow Fred Fielding who works for me. And I said, "I can't give him up." He said, Magruder said, "Will you find me a lawyer?" I said, "I will be happy to look around." I checked around the White House, Krogh said, "Liddy might be the man to do it, to go over there -- he would be a hell of a good lawyer. Uh, he has written some wonderful legal opinions over here for me,

PRESIDENT: Right.

DEAN: and I think he is a good lawyer."

PRESIDENT: Yeah.

DEAN: So I relayed that to Magruder.

PRESIDENT: How the hell does Liddy stand up so well?

DEAN: He's a strange man, Mr. President.

PRESIDENT: Strange or strong, or both?

DEAN: Strange and strong.

PRESIDENT: Good.

DEAN: Uh, he -- his loyalty, I think, is just beyond the pale.
He's just -- nothing.

PRESIDENT: He hates the other side too.

DEAN: Oh, absolutely. He's strong. He really is.

PRESIDENT: Well, what about the hang-out thing?

[Unknown person enters, receives instructions from the President to take something to Haldeman, and leaves the room.]

PRESIDENT: Uh, is it too late to, to, frankly, go the hang-out road? Yes, it is.

DEAN: I think it is. I think -- Here's the -- The hang-out road --

PRESIDENT: The hang-out road's going to have to be rejected. I, some, I understand it was rejected.

DEAN: It was kicked around. Bob and I and, and, and --

PRESIDENT: I know Ehrlichman always felt that it should be hang-out.
[Unintelligible]

DEAN: Well, I think I convinced him why that he wouldn't want to hang-out either. There is a certain domino situation here. If some things start going, a lot of other things are going to start going, and there are going to be a lot of problems if everything starts falling. So there are dangers, Mr. President. I'd be less than candid if I didn't tell you the -- there are. There's a reason for us not -- not everyone going up and testifying.

PRESIDENT: I see. Oh no, no, no, no, no. I didn't mean go up and have them testifying. I meant --

DEAN: Well I mean just, they're just starting to hang-out and say here's our, here's our story --

PRESIDENT: I mean putting the story out to PR buddies somewhere. Here's the story, the true story about Watergate.
[Unintelligible]

DEAN: They would never believe it.

PRESIDENT: That's the point.

DEAN: The point is -- the two things they are working on on
Watergate --

PRESIDENT: Who is "they"? The press?

DEAN: The press,

PRESIDENT: The Democrats?

DEAN: -- the Democrats, the intellectuals --

PRESIDENT: The Packwoods?

DEAN: Right. Right. "They" would never buy it, uh, as far as
(1) White House involvement in the Watergate which I think
there is just none, uh, for that incident that occurred over
in the Democratic National Committee Headquarters. People
just, here, would -- did not know that that was going to be
done. I think there are some people who saw the fruits
of it, but that's another story. I am talking about the
criminal conspiracy to, to go in there. The other thing
is that, uh, the Segretti thing. You hang that out, uh,
they wouldn't believe that. They wouldn't believe that,
that, uh, Chapin acted on his own to put his old friend,
friend Dick Segretti in to be a Dick Tuck on somebody

else's campaign. They would, they would have to paint it into something more sinister, something more involved, a part of a general plan.

PRESIDENT: Shit, it's not sinister. None of it is.

DEAN: No.

PRESIDENT: Segretti's stuff isn't been a bit sinister.

DEAN: It's quite humorous, as a matter of fact.

PRESIDENT: As a matter of fact, it's just a bunch of crap. It's just is a [unintelligible]. We never knew. Never objected to -- You don't object to such damn things, oh, anyway. On, and on and on. No, I tell you this, the last gasp of the, of the, you know, of the, our partisan opponents. They've just got to have something to squeal about.

DEAN: The only thing they have to squeal on.

PRESIDENT: Squeal about that, that, and perhaps inflation, but that will end. Oh, yeah, they're going to squeal and then they're [unintelligible]. They're having a hell of time, you know.

They got the hell kicked out of them in the election.

[Unintelligible]. They are, they're, they're going to Watergate around in this town, not so much our opponents, but basically it's the media, uh, I mean, it's the Establishment. The Establishment is dying, and so they've got to show that after some rather significant successes we've had in foreign policy and in the election, they've got to show, "Well, it just is wrong because this is -- because of this." In other words, they're trying to use this to smear the whole thing.

DEAN: Well, that's why I, in fact, I keep coming back with this fellow, Sullivan, who could,

PRESIDENT: -- who could --

DEAN: could change the picture.

PRESIDENT: How would it change it though?

DEAN: Well it --

PRESIDENT: By saying you're another? Is that what it is?

DEAN: That's, yeah. But here's another, and it happens to be Democrats. Your, uh -- I, you know, I just, I just wish --

PRESIDENT: If you get Kennedy in it, too, I'd be a little more pleased.

DEAN: Well, now, let me tell you something that's -- lurks at the bottom of this whole thing.

PRESIDENT: Yeah.

DEAN: If, in going after Segretti, I -- Segretti, right -- they go after Kalmbach's bank records, you'll recall that sometime back -- maybe you, you perhaps didn't know about this, it's very possible -- that right after Chappaquiddick somebody was put up there to start observing. Within six hours.

PRESIDENT: Did we?

DEAN: That's right.

PRESIDENT: I didn't know that.

DEAN: That man watched that -- he was there for every second of Chappaquiddick, uh, for a year, and almost two years he worked for, uh, he worked for Jack Caulfield, who was originally on John --

PRESIDENT: Oh, I heard of Caulfield, yeah.

DEAN: He worked for Caulfield originally and then he worked for, when Caulfield worked for John, and then when I came over here I inherited Caulfield and this guy was still on this

same thing.

PRESIDENT: Yeah.

DEAN: Well, if they get to those bank records between, uh, it starts on July of '69 through June of '71, and they say, "What are these about? Who is this fellow that's up in New York that you paid?" There comes Chappaquiddick with a vengeance. This guy is a, is a twenty year detective on the, uh, New York State, uh, New York City Police Department.

PRESIDENT: In other words, we --

DEAN: He is ready to disprove and to show that, everything from --

PRESIDENT: [Unintelligible] consider that wrong, do we?

DEAN: Well, if they get to it, uh, it's going to come out and the whole thing is going to turn around on that one. I mean, if Kennedy knew the bear trap he was walking into --

PRESIDENT: How do we know -- uh, why, why don't we get it out anyway?

DEAN: Well, we sort of saved it. [Laughs]

PRESIDENT: Does he have any record? Is it any good?

DEAN: Uh, he is probably the most knowledgeable man in the country.

He can't, you know, there are certain things he runs up against walls when they closed the, when they closed the records down, things he can't get, but he can ask all of the questions and get some, many of the answers. As a, as a twenty year detective, but we don't want to surface him right now. But if things ever surfaced, uh, this is what they'll get.

PRESIDENT: Now, how will Kalmbach explain that he'd hired this [unintelligible] Chappaquiddick? Did he -- out of what type of funds?

DEAN: We'd have -- he had, he had money left over from, uh, pre-convention --

PRESIDENT: Are they going to investigate those funds too?

DEAN: They are funds that were quite legal. There's nothing illegal with those funds.

PRESIDENT: How can they, how can they investigate them?

DEAN: They can't.

PRESIDENT: Huh?

DEAN: They -- The only -- The -- What they would -- happens -- what, what would occur, you see, is they would stumble into this in going back to, say '71, on Kalmbach's bank records. They've

already asked for a lot of his bank records in connection with Segretti, as to how he paid Segretti.

PRESIDENT: Are they going to go back as far as Chappaquiddick?

DEAN: Well, yeah, but this, this fellow worked into '71 on this. He was up there. He talked to everybody in that town. He, you know, he, he's the one who caused a lot of embarrassment for Kennedy already by saying -- he went up there as a newspaperman. "So why aren't you checking this? Why aren't you looking there?" And pointing the press's attention to things. Gosh, the guy did a masterful job. I have never been, had the full report.

PRESIDENT: Coming back to the Sullivan thing, you'd better now go ahead and talk to him. You will now talk to Moore, again to Moore and, uh, then what?

DEAN: Uh, I'll see if we have something that's viable. And if it's --

PRESIDENT: In other words -- Have you talked to Sullivan again?

DEAN: Oh, yes. Yes, I plan on it.

PRESIDENT: Why the hell don't you get him in and talk to him? [Unintelligible]

DEAN: Well, he's -- I asked him last night and he said, "John

give me a day or so to get my, all my recollections together,"

PRESIDENT: Right.

DEAN: and that was yesterday. So I thought I would call him this evening and say, uh, "Bill, I'd just like to know --"

PRESIDENT: You see, the fact that you've talked to him will become known. So maybe, maybe the best thing is to say "I am not concerned here," and you say that he, he's to turn this over, and you say we will not handle it. Then make, then anyway, it gets to the Committee, aren't they going to say, "The White House turns over information on the FBI?" That's the -- I don't know how the Christ to get it down there.

DEAN: Well, that's what I think I can kick around with Dick Moore. He and I do very well just bouncing these things

PRESIDENT: Yeah.

DEAN: back and forth and coming up with something that we don't have to be embarrassed about it.

PRESIDENT: I think a newsman, a newsman, a hell of a break for a newspaper.

DEAN: Oh yeah.

PRESIDENT: A hell of a story. Uh, maybe the Star would just run a hell of a story, I mean a real bust on the FBI. Then, and then, and

then the Committee member, the man you, you, for example, on this basis could call Gurney, and say, "Now look. We're on to something very hot here. I can just tell you, I'm not going to tell you anything more. Go after it, forget you ever had this call." Then he goes.

DEAN: Uh huh.

PRESIDENT: It seems to me that that's a very effective way to get it out.

DEAN: Uh huh. Another thing is, I don't think Sullivan would give up the White House. Sullivan -- as I said could, there's one liability in Sullivan here, is that's his knowledge of the earlier things that occurred, uh --

PRESIDENT: That we did?

DEAN: That we did.

PRESIDENT: Well, now you should tell them. Oh, you mean he wouldn't, he'd say, he'd say, "I did no political work at all. My, my work in the [unintelligible] Nixon Administration was, was solely in the national security."

DEAN: That's right.

PRESIDENT: And that is totally true.

DEAN: That's right.

PRESIDENT: Okay. Well, good luck.

DEAN: All right, sir.

PRESIDENT: It's never dull, is it?

DEAN: Never.

59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

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MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972°

PM	The President met to sign personal legal documents with:
12:45 1:11	The First Lady
12:49 1:09	John J. Ratchford
12:49 1:11	Mr. Butterfield
12:49 1:11	Mr. Haldeman
12:49 1:12	Mr. Ehrlichman
12:49 1:12	John W. Dean, III
12:49 1:12	John H. Alexander
12:49 1:12	Richard S. Ritzel

No other contact during August 1972

September 15, 1972

101530
101530

PM The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
 of Newhouse Newspapers and Newhouse Broadcasting
 and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
 Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

WH

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January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)

✓ (Mr. Kissinger was present from 10:30 - 10:37.)

PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973 .

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

WV

WH

March 10, 1973

101530

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

March 16, 1973

101530

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

WH

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:

Mr. Ziegler (departed at 5:25)

Mr. Haldeman

Mr. Ehrlichman (5:25-6:01)

✓ Gen. Scowcroft (5:27-6:05)

101530

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)

Mr. Haldeman (2:01-3:40)

Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

59.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN,
MARCH 14, 1973

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

March 8, 1973 President inquired as to whether Chapin had helped Segretti. Dean said no. DR

March 10, 1973 ?

(March 12: Issued statement on executive privilege, applies to present and former staffers but will provide information.)

March 13, 1973 Preparation for press conference. Went over questions and answers. President inquired as to Ken Rietz. Dean said no illegality involved. President asked if Colson or Haldeman knew Segretti. President asked if Mitchell and Colson knew of Watergate. Dean said there was nothing specific on Colson; that he didn't know about Mitchell but that Strachan could be involved. President states again that Dean should compile a written report about the matter. Dean said Sirica was a hanging judge, the President said he liked hanging judges. They discussed fund raising before April 7. Dean said that everything that had been done was legal.

March 14, 1973 Press conference was discussed -- questions and answers. Discussed executive privilege. Decided they needed a Supreme Court test. Decided that the President should discuss his 1948 position. That afternoon the President suggested Dean should possibly appear before the press and discussed whether Chapin should make a statement about Segretti. The Gray hearings and the use of FBI files were also discussed.

March 15, 1973 President held press conference. That afternoon discussed that day's press conference and decided on use of "separation of powers" instead of executive privilege terminology.

March 16, 1973 The President reiterated his position on use of raw FBI files. Suggested Dean's written report be accompanied by affidavits. Dean suggested untimely release of written report might prejudice rights of innocent people. Discussed possibility of getting

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EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

V.

RICHARD M. NIXON
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D. C.

Defendant

) Civil
) Action
) No.

AFFIDAVIT OF FRED D. THOMPSON

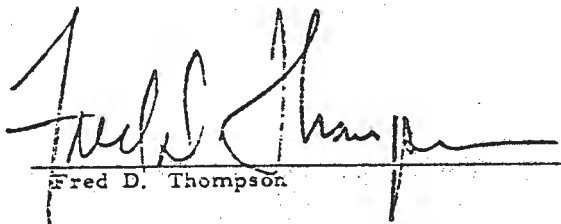
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

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2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before
me, this 9TH day of August 1973

Notary Public, D.C.
My Commission Expires 15 May, 1978

alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLU letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

MEETING OF MARCH 8

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

PHONE CONVERSATION OF MARCH 10

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

MEETING OF MARCH 13

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray's nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as \$1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he

had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him.

The conversation then turned back to a question from the President regarding the money that was being paid to the defendants. He asked me how this was done. I told him I didn't know much about it other than the fact that the money was laundered so it could not be traced and then there were secret deliveries. I told him I was learning about things I had never known before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman. The meeting ended on this note and there was no further discussion of the matter and it was left hanging just as I have described it.

MEETINGS OF MARCH 14

The meetings which occurred on this day principally involved preparing the President for a forthcoming press conference. I recall talking about executive privilege and making Dean a test case in the courts on executive privilege. The President said that he would like very much to do this and if the opportunity came up in the press conference, he would probably so respond. I also recall that during the meetings which occurred on this day, that the President was going to try to find an answer that would get Ziegler off the hook of the frequent questions asked him regarding the Watergate. He said that he was going to say that he would take no further questions on the Watergate until the completion of the Ervin hearings and that Ziegler in turn could repeat the same statement and avoid future interrogation by the press on the subject.

MEETING OF MARCH 15

It was late in the afternoon after the President's press conference that he asked Dick Moore and I to come over to visit with him. He was in a very relaxed mood and entered into a general discussion about the press conference. The President was amazed and distressed that the press had paid so little attention to the fact that he had made an historic announcement about Ambassador Bruce opening up the liaison office in Peking. He said he was amazed when the first question following that announcement was regarding whether or not Dean would appear before the Senate Judiciary Committee in connection with the Gray hearings. The conversation then rambled into a discussion of the *Hiss* case, and Mr. Moore discussed his memory of the President's handling of the case.

MEETING OF MARCH 16

This meeting was a discussion with Ziegler on how to follow up on a number of matters that had arisen in the press conference of the preceding day.

MEETING OF MARCH 17

This was St. Patrick's Day and the President was in a very good mood and very relaxed and we engaged in a rambling conversation with only some brief reference to the Gray hearings and the problems that were then confronting the White House regarding the President's

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Mr. THOMPSON. Let me ask you about the meetings that you and Mr. Dean had with the President, and I will start with March 14.

Mr. MOORE. Yes.

Mr. THOMPSON. Would you tell us what you discussed at that meeting, the purpose of the meeting; what was discussed and what was resolved, if anything?

Mr. MOORE. Yes.

Mr. THOMPSON. As of this year?

Mr. MOORE. The purpose of the meeting was to go over with the President the possible questions that might be asked in the next day's, the next morning's press conference on the general subject of executive privilege and these hearings, the Gray hearings were still also going on, and in that sense the Watergate. Now, Dean and I—the way that worked was Mr. Buchanan, who usually coordinates the President's briefing book, had sent us a list of at least 20 questions that could be asked, more were handed, and for 2 or 3 days before that we divided them up, we suggested answers or gave background answers so that the President could consider them, and they were then edited by Mr. Buchanan and put in the briefing book.

The President now wished to discuss those answers with us.

Mr. THOMPSON. Had the President made a statement on executive privilege by that time?

Mr. MOORE. Yes; he had made that on March 12 and this meeting took place on March 14 and it was a very hot issue at that moment obviously.

Mr. THOMPSON. What about March 15?

Mr. MOORE. March 15 was a very pleasant and relaxed meeting at the end of the day in the Oval Office where the President kind of wanted to chat about the press conference.

Mr. THOMPSON. The press conference had been earlier that day?

Mr. MOORE. Earlier that day and he wanted to know how we thought it went, and Mr. Dean correctly testified that the President said, "You know, the very first thing that I said, I made an announcement that I thought was quite historic, first representative to the People's Republic of China, and I was nominating a most important man as our first representative, David E. K. Bruce. I made the announcement and what do you think the first question was? Dean's testimony at the hearings and it shows where their minds are." And then we talked a little bit about the press conference and then he got into this discussion where he had been thinking more and more where we had been using the wrong, the more narrow phrase that what was involved here was the separation of powers and the President's responsibilities to preserve that separation, and I think I told you how he went through, how we invite each other, that Congressmen will come here by invitation, that we go there but neither of us can command the other, and that is the way it has to be and we went into that.

And then he got talking about how he wanted us to be outgoing and he recalled the days when he was a Congressman, when he could not get a report, an FBI report, not raw files but an FBI report, in the Hiss matter, and he said, "But we are going to tell this committee, give them anything that they want in terms of information. Now we may do it," he said. "That is where you fellows come in," he said, "It

Hearing Shunned By Dean

Aide to Nixon Instead Offers Written Reply

By Carl Bernstein
and Bob Woodward
Washington Post Staff Writers

Citing the doctrine of executive privilege, presidential counsel John W. Dean III yesterday formally refused an invitation to testify in the Senate confirmation hearing on the nomination of L. Patrick Gray III to be director of the FBI.

Dean's refusal put the White House on a collision course with Democratic members of the Senate Judiciary Committee who have vowed to block Gray's nomination unless Dean testifies about matters pertaining to the Watergate case.

Both Republican and Democratic sources on the committee said privately yesterday that Dean's refusal had placed Gray's nomination in serious jeopardy and predicted an extremely close vote on reporting the nomination to the Senate floor. Leaders of the move to call Dean as a witness said they believe they can block the nomination in committee.

Dean's refusal to testify had the immediate effect of intensifying Democratic opposition on the committee and shifting the focus of the Gray confirmation hearings away from the nominee and closer to the issues of executive privilege and the White House role in the FBI's Watergate investigation.

Executive privilege — the doctrine that Presidents have a right to confidential advice which need not be disclosed to Congress — is not written into law and therefore is subject to many interpretations. Democrats on the Judiciary Committee contend that the concept is being applied too broadly in Dean's case because they want to ask him about his communications with Gray — not the President.

A central issue that has developed in Gray's confirmation hearings has been the propriety of his agreement to turn over investigative reports in the Watergate case to Dean. Members of the Judiciary Committee want to determine if Dean misused the information he received from the FBI.

Senate Majority Whip Robert C. Byrd (D-W.Va.), one of the leaders of the move to call Dean, took the Senate floor to denounce the White House for claiming executive privilege "in such a questionable area."

"Mr. Dean's testimony before the Judiciary Committee is vital to any considered, collective committee judgment on the proper conduct of the FBI investigation of the

See GRAY, A8, Col. 1

GRAY, From A1

Watergate break-in and Mr. Gray's fitness to be director of the bureau," Byrd said. He added:

"Without the testimony of Mr. Dean relating to these and many other unresolved questions, the Judiciary Committee has before it a record that is incomplete. . . . The Senate ought to refuse to give its consent to the nomination."

Sen. Birch Bayh (D-Ind.), who during the confirmation hearings has praised Gray's personal integrity while questioning whether he allowed the White House to interfere with the FBI's Watergate probe, said he now thinks the committee should reject the nomination. Bayh observed: "I think the President has done a great disservice to Mr. Gray by refusing to allow Mr. Dean to appear."

The question of Dean's appearance before the committee

has become central to the Gray nomination because of what Sen. John V. Tunney (D-Calif.) has called Dean's "omnipresence" in the FBI's investigation of the Watergate case. Gray testified that his frequent contacts with Dean were based on "a presumption of regularity" in the White House.

As White House counsel, Dean received regular reports of FBI interviews in the investigation, sat in on all interviews with White House staff members and, after a one-week delay, turned over to the FBI the personal ef-

fects of one of the Watergate conspirators, former White House consultant E. Howard Hunt Jr.

Before conducting a White House investigation of the bugging for President Nixon, Dean had recommended that another of the Watergate conspirators — former White House aide G. Gordon Liddy — be hired as counsel for the Committee for the Re-election of the President.

Dean's refusal to testify was contained in a two-paragraph letter to Judiciary Committee Chairman James O. Eastland (D-Miss.), a supporter of the Gray nomination. Dean did offer to reply in writing to the committee's questions, which Eastland described as "better than getting nothing."

However, other members of the 9-to-7 Democratic majority on the committee were understood to be unanimous in rejecting Dean's offer, and Republican Charles Mc. Mathias (R-Md.) was also expected to reject it.

Sen. John L. McClellan (D-Ark.), who with Mathias holds the crucial swing votes on the committee, said Dean's offer to supply written answers "is just not sufficient for the committee's need to interrogate witnesses."

McClellan said that he has not made up his mind whether to vote for or against the nomination of Gray, who has been acting director of the FBI since May 2, 1972.

A spokesman for Mathias said the Maryland senator too has not decided how he will finally vote on the nomination.

A spokesman for Hugh Scott (R-Pa), the Senate Minority Leader, said that, "If the majority wants to pursue the matter in good faith—rather than making waves — they should accept this offer.

"Under the restrictions of executive privilege, Mr. Dean's offer is a pretty good deal for the committee," he added. "Mr. Gray's nomination as a presidential appointee is before the Judiciary Committee, not the Watergate case. The Select Committee unanimously appointed by the Senate to investigate political espionage is the place to examine the Watergate case—not the Judiciary Committee."

That special investigating committee, headed by Sen. Sam J. Ervin (D-N.C.), is not scheduled to make its final report until next February.

Leaders of the movement to testifies Gray's qualifications cannot be evaluated until the Ervin committee has made its final report.

If those Democrats cannot win the eight votes necessary to block the Gray nomination outright, they are expected to attempt to hold it in abeyance until after the Ervin committee has completed its work. Success in this, members of both parties have said, would probably force the President to withdraw the nomination.

Meanwhile, Eastland announced the hearings on Gray's nomination will resume at 10:30 a.m. Tuesday with the

nominee again on the witness stand.

It was also announced that call Dean as a witness in Gray's confirmation hearings have argued that unless Dean Thomas Lumbard, a former assistant U.S. attorney here who was scheduled to appear before the committee yesterday, had declined to testify.

Lumbard, who provided volunteer legal advice last year to the White House on campaign finances, has said that Dean and Watergate bugging conspirator G. Gordon Liddy worked closely together in the months before the break-in at Democratic National Headquarters on June 17, 1972.

60. On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

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60.1 President Nixon news conference, March 15, 1973,
9 Presidential Documents 271-73.....898

in behalf of foster children, so that they may enjoy the sound development that comes from a full and happy family life.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen

hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON

[Filed with the Office of the Federal Register, 3:04 p.m.,
March 14, 1973]

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 15, 1973

UNITED STATES LIAISON OFFICE IN PEKING

THE PRESIDENT. Ladies and gentlemen, I have an announcement with regard to our Liaison Office in Peking.

The office will open approximately on May 1, and Ambassador David Bruce will be the Chief of the Liaison Office. In the office will be approximately a total complement of 20 (30), of whom 10 will be at what we call the expert level; the others, of course, for the support level.

The two top assistants, top deputies to Ambassador Bruce—however, we should note, I call him Ambassador, but his title will be Chief of the Liaison Office—will be Mr. Jenkins from the State Department, who, as you know, is one of our top experts on Chinese-American relations in State; and Mr. Holdridge from the NSC [National Security Council], who is the top man in the NSC advising in this area there.

We selected these two men because Mr. Jenkins and Mr. Holdridge not only are experts in Chinese—they are bilingual, incidentally, in both Chinese and American; they speak well; in fact I remember both assisted in translations when I have been there—but in addition to that, they are men who have from the beginning been participating in the new initiative between the People's Republic and the United States. They have accompanied me on my trip, and they have accompanied Dr. Kissinger on his trips.

A word about why Ambassador Bruce was selected. We called him out of retirement because I thought it was very important to appoint a man of great stature to this position. The Chinese accepted that view themselves, and we expect soon to hear from them as to the appointment of the man they will have as his opposite number here in Washington. Another reason that I selected Ambassador Bruce was because of his great experience. All of you know that he has been Ambassador to Britain and Ambassador to Germany, Ambassador to France, and also headed our delegation in Paris in the Vietnam talks in 1971 and '72, in the early part of '72.

A third reason, perhaps, has even greater significance. Many of you in this room were on the trip to China, and sometimes I suppose the feeling must have developed, "Well, this is a one-shot deal." I never considered it that, and all of you who reported on it did not consider it that. It was the beginning, we trust, of a longer journey, a journey in which we will have our differences, but one in which the most populous nation in the world and the United States of America can work together where their interests coincide for the cause of peace and better relations in the Pacific and in the world.

It is necessary that this be, therefore, a bipartisan enterprise in the highest sense of the word.

Mr. Bruce, as you know, while he has not been engaged in partisan politics, as such, is a Democrat. He has served four Presidents with equal distinction, Democratic Presidents as well as Republicans. And we believe that appointing him as head of the delegation indicates our intention that this initiative will continue in the future, whether the Presidency is occupied by a Democrat or a Republican. Of course, I am not making any predictions as to what will happen when I leave.

But that is the end of my announcement. We will now go to your questions. Mr. Risher.

QUESTIONS

TESTIMONY OF WHITE HOUSE COUNSEL BEFORE CONGRESSIONAL COMMITTEE

Q. Mr. President, do you plan to stick by your decision not to allow Mr. Dean to testify before the Congress,¹ even if it means the defeat of Mr. Gray's nomination?

THE PRESIDENT. I have noted some speculation to the effect that the Senate might hold Mr. Gray as hostage to a decision on Mr. Dean. I cannot believe that such responsible Members of the United States Senate would do that, because as far as I am concerned, my decision has been made.

I answered that question rather abruptly, you recall, the last time it was asked by one of the ladies of the press here. I did not mean to be abrupt, I simply meant to be firm.

Mr. Dean is Counsel to the White House. He is also one who was counsel to a number of people on the White House Staff. He has, in effect, what I would call a double privilege, the lawyer-client relationship, as well as the Presidential privilege.

And in terms of privilege, I think we could put it another way. I consider it my constitutional responsibility to defend the principle of separation of powers. I recognize that many Members of the Congress disagree with my interpretation of that responsibility.

But while we are talking on that subject—and I will go on at some length here because it may anticipate some of your other questions—I am very proud of the fact that in this Administration we have been more forthcoming in terms of the relationship between the executive, the White House, and the Congress, than any administration in my memory. We have not drawn a curtain down and said that there could be no information furnished by members

of the White House Staff because of their special relationship to the President.

All we have said is that it must be under certain circumstances, certain guidelines, that do not infringe upon or impair the separation of powers that are so essential to the survival of our system.

In that connection, I might say that I had mentioned previously that I was once on the other side of the fence, but what I am doing here in this case is cooperating with the Congress in a way that I asked the then President, Mr. Truman, to cooperate with a committee of the Congress 25 years ago and in which he refused.

I don't say that critically of him now—he had his reasons, I have mine. But what we asked for in the hearings on the Hiss case—and all of you who covered it, like Bill Theis and others, will remember—what we asked for was not that the head of the FBI or anybody from the White House Staff testify. There was very widespread information that there was a report of an investigation that had been made in the Administration about the Hiss case. We asked for that report. We asked for the FBI information with regard to that report.

And Mr. Truman, the day we started our investigation, issued an executive order in which he ordered everybody in the executive department to refuse to cooperate with the committee under any circumstances.² The FBI refused all information. We got no report from the Department of Justice. And we had to go forward and break the case ourselves.

We did. And, to the credit of the Administration, after we broke the case, they proceeded to conduct the prosecution and the FBI went into it.

I would like to say, incidentally, that I talked to Mr. Hoover at that time. It was with reluctance that he did not turn over that information—reluctance, because he

¹ See page 255 of this issue.

² See Public Papers of the Presidents, Harry S. Truman, 1948 volume, Item 170[4].

felt that the information, the investigation they had conducted, was very pertinent to what the committee was doing.

Now, I thought that decision was wrong. And so when this Administration has come in, I have always insisted that we should cooperate with Members of the Congress and with the committees of the Congress. And that is why we have furnished information. But, however, I am not going to have the Counsel to the President of the United States testify in a formal session for the Congress. However, Mr. Dean will furnish information when any of it is requested, provided it is pertinent to the investigation.

Q. Mr. President, would you then be willing to have Mr. Dean sit down informally and let some of the Senators question him, as they have with Dr. Kissinger?

THE PRESIDENT. No, that is quite a different thing. In fact, Dr. Kissinger, Mr. Ehrlichman, as you know, not only informally meet with Members of the Congress on matters of substance, the same is true with members of the press. As you know, Dr. Kissinger meets with you ladies and gentlemen of the press and answers questions on matters of substance.

In this case, where we have the relationship that we have with Mr. Dean and the President of the United States—his Counsel—that would not be a proper way to handle it. He will, however—the important thing is, he will furnish all pertinent information. He will be completely forthcoming—something that other Administrations have totally refused to do until we got here. And I am very proud of the fact that we are forthcoming, and I would respectfully suggest that Members of the Congress might look at that record as they decide to test it.

CEASE-FIRE VIOLATIONS IN VIETNAM

Q. Mr. President, can you say, sir, how concerned you are about the reports of cease-fire violations in Vietnam?

THE PRESIDENT. Well, I am concerned about the cease-fire violations. As you ladies and gentlemen will recall, I have consistently pointed out in meeting with you, that we would expect violations because of the nature of the war, the guerrilla nature, and that even in Korea, in which we do not have a guerrilla war, we still have violations. They recede every year, but we still have them long—15, 20 years—after the war is over.

In the case of these violations, we are concerned about them on two scores. One, because they occur, but two, we are concerned because of another violation that could lead to, we think, rather serious consequences—we do not believe it will; we hope that it will not—and that is the reports that you ladies and gentlemen have been receiving from your colleagues in Vietnam with regard to infiltration.

You will note that there have been reports of infiltration by the North Vietnamese into South Vietnam of equipment exceeding the amounts that were agreed upon in the settlement.

Now, some equipment can come in—in other words, replacement equipment, but no new equipment, nothing which steps up the capacity of the North Vietnamese or the Vietcong to wage war in the South. No new equipment is allowed under the agreement.

Now, as far as that concern is concerned, particularly on the infiltration—that is the more important point, rather than the cease-fire violations which we think, over a period of time, will be reduced—but in terms of the infiltration, I am not going to say publicly what we have said.

I will only suggest this: that we have informed the North Vietnamese of our concern about this infiltration and of what we believe it to be, a violation of the cease-fire, the cease-fire and the peace agreement. Our concern has also been expressed to other interested parties. And I would only suggest that based on my actions over the past 4 years, that the North Vietnamese should not lightly disregard such expressions of concern, when they are made, with regard to a violation. That is all I will say about it.

Q. Mr. President, in connection with this matter, there is a report also that not just equipment, but a new infusion of North Vietnamese combat personnel have been introduced into South Vietnam, which is apart from just equipment. Can you confirm this? Is this partly what you are talking about?

THE PRESIDENT. Mr. Theis, the reports that we get with regard to infiltration, as you know, are always either too little or too late or too much. And I am not going to confirm that one, except to say that we have noted the report having been made. We, however, are primarily concerned about the equipment, because as far as the personnel are concerned, they could be simply replacement personnel.

Q. Mr. President.

THE PRESIDENT. Go ahead, you are up in front.

Q. Sir, why have we not gone through the ICCS [International Commission of Control and Supervision] to complain about this infiltration?

THE PRESIDENT. The ICCS is being used. As you know, there are some problems there. The Canadians have expressed considerable concern about the fact that they don't want to be on a commission which is not being effectively used, and we will continue through the ICCS and any other body that we can effectively appeal to, to attempt to get action there. I can only answer in that way at this point.

61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received \$130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.

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1 Q In substance did he say that he wasn't going to
2 assume responsibility for it or did not regard himself as having
3 responsibility?

4 A Yes, he did.

5 Q What did he say about having talked with Mr. Moore
6 that gave you the impression that Mr. Moore had brought up
7 the subject with Mr. Mitchell?

8 A I was under the impression that Mr. Moore could
9 have even possibly been in Mr. Mitchell's office when I called
10 him, although I'm not certain, but he indicated specifically
11 that Mr. Moore had been there and that he had talked with him
12 and that this subject had been brought up and he had made his
13 position clear to Mr. Moore.

14 Q Now on or about March 16th, 1973, did you have a
15 meeting with Mr. Hunt?

16 A I did.

17 Q Can you tell the Grand Jury how that came about?

18 A I received a telephone call from Mr. Bittman who
19 indicated that his client was extremely upset, that he had
20 received word that he was going to be sentenced on the 23rd
21 of March, if that's a Friday, and that he was attempting to
22 put his affairs in order and to take care of such matters as
23 have to be taken care of regarding his children and his so-
24 called commitments had not been met and that it was imperative
25 that I come to his office and discuss the matter with Mr. Hunt

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1 who was at that time there.

2 Q Did you go over to Mr. Bittman's office?

3 A Reluctantly, yes.

4 Q Did you thereafter meet alone with Mr. Hunt?

5 A I did.

6 Q How did it happen that you met with Mr. Hunt alone?

7 A I went to Mr. Bittman's office and Mr. Bittman was
8 on the telephone at the time. I suggested that Mr. Bittman
9 accompany me. He was busy and said, "Go talk to him. He's
10 going to tell you the same thing I've told you."

11 I do not recall whether it was at the end of the
12 hall that Mr. Bittman was on, but it was either in Mr. Mittler's
13 office -- he was out of the office that day -- or in a small
14 conference room, but it was in another room that I met with
15 Mr. Hunt.

16 BY MR. BEN-VENISTE:

17 Q What did Mr. Hunt tell you?

18 A Mr. Hunt went over essentially the same ground; that
19 his commitments hadn't been met, that he was going to be sen-
20 tenced. He seemed particularly disturbed and agitated.

21 I told him that I didn't have anything to do with
22 his commitments, that I was sorry but I didn't think that I
23 could help him.

24 He had no intention of letting me out on that basis.

25 He went on and stated that he had \$60,000 in legal fees out-

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1 standing, and he made a demand for \$130,000. It is my
2 recollection that it was sixty and seventy thousand total.

3 During the course of the conversation he indicated
4 that he had done -- the word he used was "seemy" things --
5 for the White House. He instructed me to pass this information
6 on to Mr. Dean and he indicated that these things didn't happen
7 -- if these things didn't happen he would have to review his
8 options.

9 In addition, during the course of the conversation
10 I indicated to him again, as I said, that I was powerless in
11 this situation, that I thought he had best contact his friend
12 Mr. Colson or someone else who could assist him.

13 Q What was his reaction to that?

14 A There was some indication that he had been in con-
15 tact with Mr. Colson and he really didn't give a damn about my
16 suggestion. He was just telling me what to do at that stage.

17 Q Was there any other inference from his statement
18 that he would have to review his options, made in conjunction
19 with his statement about having done seemy things, which led
20 you other than to the conclusion that he was threatening to
21 publicly make some sort of statement unless his demands were
22 met?

23 A I've got to be frank and tell you at the time that
24 the peripheral aspects of his conversations, such as the seemy
25 things and "review his option", didn't hit me with that

1 particular impact. I had never had anyone make a personal
2 demand on me for over a hundred thousand dollars. I mean it
3 wasn't just that somebody approached me a dime for a cup of
4 coffee.

5 Frankly it sort of sent me right up the wall. I
6 just wanted out of there.

7 Q Did Mr. Hunt indicate that you ought to convey this
8 message to Mr. Dean?

9 A He did.

10 Q Now after you left the office what did you do?

11 A I stopped back past Mr. Bittman's office and I
12 reiterated the essence of the conversation.

13 Q What did Mr. Bittman say?

14 A He said, "I indicated to you that Mr. Hunt was
15 extremely agitated and upset and he was going to do this."
16 That was about it. I then departed.

17 Q Did you then repeat what Mr. Hunt had told you to
18 Mr. Dean?

19 A I did.

20 Q When was that?

21 A As far as I recall, immediately following the meet-
22 ing.

23 BY MR. FRAMPTON:

24 Q Now Mr. O'Brien, you mentioned before a meeting
25 which you had on about November 28th or 29th with Mr. Bittman

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1 The issue of whether or not I was sufficiently re-
2 covered from the shock of my wife's death to stand trial I
3 think had been resolved by that time.

4 Q All right. Did you ever say to anyone, that might
5 have been picked up by Mr. O'Brien, that you thought a good way
6 to handle this or, in substance, the way to handle this -- you
7 had a psychiatrist, by the way, who was willing to testify that
8 you were unable to stand trial, isn't that a fact?

9 A No, sir.

10 Q You did not have such a psychiatrist?

11 A No, sir.

12 Q You didn't have a psychiatrist?

13 A No, sir, I did not.

14 Q Okay.

15 A I was examined by a Government psychiatrist.

16 Q Only a Government psychiatrist?

17 A Only a Government psychiatrist.

18 Q Okay. Now, then, you did have a conversation with
19 Mr. O'Brien, Mr. Paul O'Brien, about the middle of March, 1973
20 did you not?

21 A Yes, sir.

22 Q Where did this conversation take place?

23 A It took place in the law offices of Hogan and Hartson.

24 Q That's the firm Mr. Bittman is a member of?

25 A Yes, sir.

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1 Q Who was present at that conversation with you and
2 Mr. O'Brien?

3 A Only the two of us.

4 Q During this conversation did you say, in essence, to
5 Mr. O'Brien, first, you apologized for putting him in the middle,
6 and then explained that you only had a certain number of days
7 in which to get your affairs in order and that, again, commit-
8 ments had been made but had not been kept? Did you say those
9 words, in substance?

10 A In substance, yes, sir.

11 Q In substance, to Mr. O'Brien?

12 A Yes, sir.

13 Q And did you say you'd done a number of "seamy" things
14 for the White House?

15 A I may very well have, yes, sir.

16 Q Well, to the best of your recollection, did you?

17 A Yes, sir. In the context that I wanted him and his
18 principals to -- to remind him and his principals that Watergate
19 was not the only activity that I had engaged in for them.

20 Q And you used the word to describe the nature of those
21 activities, such as "seamy"?

22 A Yes, sir.

23 Q And you told him to deliver that message, that you had
24 done a number of "seamy" things for the White House, and that
25 if something didn't happen -- referring to your commitment, the

Dv

1 commitments -- you would have to review the alternatives. Did
2 you make statements, in substance, to that effect, to Mr.
3 O'Brien?

4 A Can we break that down in two parts, sir?

5 Q Yes, sir.

6 A Would you go into the first half of that? I would
7 like to respond directly to that in one context.

8 Q Well, why don't you just go ahead and tell us how
9 you put it. Tell us the conversation you had with Mr. O'Brien
10 in the offices of Hogan and Hartson in the middle of March,
11 1973.

12 A I did not tell Mr. O'Brien to deliver any messages.
13 That is one part I want to answer specifically.

14 Q Well, did you think Mr. O'Brien -- why were you telling
15 him this, then?

16 A Because I knew that he was a middleman of sorts.

17 Q You knew he would deliver messages, didn't you?

18 A Pardon me?

19 Q You knew he would deliver the message?

20 A I didn't know that he would deliver the message, no,
21 sir.

22 Q Were you saying this just to stop with Mr. O'Brien,
23 Mr. Hunt?

24 A I was hoping that, eventually, it would reach some
25 ears.

DV

1 Q Okay. So what you're saying is you didn't say, in
2 so many words, I want you to deliver a message?

3 A Precisely. He deprecated his role to me very much.
4 He said he only saw people occasionally; that he was just a
5 middle man; he had no influence; he was glad to meet with me,
6 on that basis, so long as I understood, this sort of thing.

7 Q All right. Now, I certainly don't want, at any time
8 during the course of this interview -- and I've told you this
9 before, haven't I, Mr. Hunt?

10 A Yes, sir.

11 Q Anything but the truth from you, right? Nothing but
12 the truth, at all?

13 A Yes, sir.

14 Q And I don't want to put any words in your mouth at
15 all. You understand that?

16 A And I don't want Mr. O'Brien to put words into my
17 mouth.

18 Q And I don't want Mr. O'Brien to put words in your
19 mouth. Now, would you prefer to go through what you told Mr.
20 O'Brien in the middle of March, 1973?

21 A To the best of my recollection, yes, sir.

22 Q Yes, sir.

23 A Yes, sir. I had asked specifically for the meeting
24 with Mr. O'Brien because I was within a few days of sentencing.
25 I was in a very depressed physical and, certainly, mental

1 condition. My wife had been killed in December; I was coming
2 up for sentencing very shortly; my financial position was
3 extremely uncertain; I had no idea of what kind of sentence
4 Judge Sirica might meet out.

5 Q Now, what I'm interested in is what you said to Mr.
6 O'Brien. I do understand that position.

7 A I covered all these matters with him.

8 Q Then what I read to you, the substance of that con-
9 versation with the exception, then, that you didn't say, "I
10 want you to deliver a message."

11 A So far, yes, sir.

12 Q Now, with the word "seamy" things for the White House,
13 did you mention any name there?

14 A I never knew who he was dealing with.

15 Q No. In respect to the "seamy" thing, did you mention
16 any name?

17 A I may have said Dean. I may have concluded that he
18 was dealing with John Dean.

19 Q You did the "seamy" things for Dean?

20 A No, sir.

21 Q All right. Did you mention anyone's name for whom
22 you had done these "seamy" things in the White House?

23 A I read press accounts that I said Ehrlichman. I did
24 not say Ehrlichman.

25 Q Forget the press accounts. What do you recollect

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1 you said?

2 A I have no recollection that I put a name on it. I
3 said, "I have done a number of seamy things for the White
4 House." The context being that they should take these into
5 consideration as added reason for their obligations to me to
6 help me out of my present plight, which has frightened me to
7 death.

8 Q You have no present recollection of having mentioned
9 Mr. Ehrlichman's name in the course of that?

10 A No, sir, I do not.

11 Q Very well. Now, we understand that what you've been
12 testifying to here today is not something from press reports,
13 right?

14 A Correct.

15 Q What you testified here today is the truth, as well
16 as you know. Not what you've heard from any press reports?

17 A Yes, sir.

18 Q And no one in here has tried to get you to say any-
19 thing about press reports, you understand that?

20 A Perfectly.

21 Q Did he say to you -- did Mr. O'Brien respond to you
22 about why you didn't contact some of your friends rather than
23 going through him?

24 A He was rather specific about it.

25 Q What did he say?

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1 A He said, again -- he assumed a self-deprecatory role
2 and stated that he was a man of little or no influence. He
3 was a message carrier. A middle man, if you will.

4 He said, "Chuck Colson is your friend. Why don't you
5 write him a memorandum?"

6 Q What did you say with respect to that? You've already
7 had one conversation with Mr. Colson. You told him about the
8 "ready". What did you say? What did you say in response to
9 that?

10 A I believe -- first of all, I believed that Mr. O'Brien
11 was a man who was involved with Mr. Mitchell.

12 Q Now, what did you say to him?

13 A So, against that background --

14 Q Yes?

15 A -- I believed Mr. O'Brien to be a Mitchell man rather
16 than a Colson man. I felt that what he wanted was something
17 on the record that could involve Mr. Colson. And so I don't
18 believe I gave him a direct response.

19 To the best of my recollection, I gave him something
20 that I could -- I said, "On the other hand, Chuck hasn't been
21 involved so far. I don't see any reason to involve him now."

22 Q All right. Now, did this conversation with Mr. O'Brien
23 occur about the middle of March, about a week prior to your
24 scheduled sentencing? Is that the best of your recollection?

25 A Approximately, yes, sir.

1 Q And you said that your commitments had not been met
2 and you mentioned that you'd done a number of "seamy" things
3 for the White House; and if the commitments weren't met, you
4 might have to review the alternatives. Correct?

5 A I would put it a different way, sir, to the best of
6 my recollection. That I said that the commitments had not
7 been kept and, accordingly, if I were suddenly to become a
8 very poor man, that I would no longer have options available
9 to me which were currently available.

10 Q And did you mention "seamy" things you had done for
11 the White House?

12 A I had done that previously.

13 Q But in the same conversation?

14 A Yes. I had done seamy things for the White House,
15 yes, period.

16 Q And that if the commitments weren't met, and you
17 would become a poor man, you might have to review the alter-
18 natives?

19 A And see what other steps could be taken on my behalf.

20 Q Now, a few days thereafter, you received a package,
21 didn't you?

22 A Yes.

23 Q How much was in that package?

24 A \$75,000.

25 Q That was the last package you've received to date?

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1 A Yes, sir. I also, at that time in the conversation.
2 with Mr. O'Brien, told him specifically what my legal fees had
3 amounted to, at that time.

4 Q You said, as a matter of fact, you counted up to
5 about \$70,000 living expenses and \$60,000 legal fees, something
6 like that?

7 A Whatever it was.

8 Q Does that sound about right?

9 A I would guess 50 or 60.

10 Q And a few days after this conversation with Mr. O'Brien
11 you received a package of cash amounting to \$75,000?

12 A Yes, sir.

13 Q Okay. Now, Mr. Frampton is going to question you
14 about some deliveries of money, okay?

15 A Yes, sir.

16 Q And then you'll be excused for the time being. I'm
17 going to meet our good friend, Mr. Glanzer, so would you all
18 excuse me, and then I'll see you all back at 2:00 this after-
19 noon. Thank you very much for your patience, members of the
20 Grand Jury; and, Mr. Hunt, I'll talk to you later. Okay?

21 A Yes, sir.

22 Q Excuse me. One thing before I go, if I may. I'll
23 show you what has been marked for identification as Grand Jury
24 Exhibit EHH-2, 7/17/73, and I'll ask you if you recognize that?

25 A I recognize it.

DV

21 BY MRS. VOLNER:

22 Q Now, the reason that you requested the meeting with
23 Mr. O'Brien was to relay to him, number one, a demand for a
24 sum of money in excess of \$100,000 and, secondly, to tell
25 him that otherwise you were going to reveal the seamy things

5 NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE
COMMITTEE ON THE JUDICIARY.

1 that you had done for Mr. Ehrlichman, is that not correct?

2 A Well, I've gone over this a good many times. I
3 know repetition is the name of the game. I thought that,
4 with imprisonment approaching, it was highly essential that
5 if any of these commitments were going to be kept, that they
6 be kept then and there.

7 And I mentioned to Mr. O'Brien, en passant, that
8 other things had been done at the White House in the past
9 and my feeling was that if anybody was going to be the reci-
10 pient of White House largesse, if you will, it should be
11 those who put their necks on the line for those people before.
12 But I don't think that any quid pro quo is explicitly in there.
13 I don't know what Mr. O'Brien's perception of the meeting was.

14 Q You've already told Mr. Colson, in November, that
15 you were protecting the people who were involved in the Water-
16 gate break-in, and now you're telling Mr. O'Brien that there
17 are people involved in other seamy things besides the Water-
18 gate break-in, and you're asking for money and you're saying,
19 "I'll have to review my alternatives if I don't get that
20 money." And that can't mean anything except that you're
21 going to reveal that unless they meet your demands for money.

22 A Well, it's a manner of speaking, too. I review
23 my alternatives, I review my options. What were my options?
24 They were very damned slim.

25 BY MR. BEN-VENISTE:

DV

1 Q That's precisely the point, is it not, Mr. Hunt?
2 Your option was either to continue to keep quiet or to talk.
3 And what you're saying is, wasn't it, that in the event that
4 they weren't prepared to meet your demands, you'd had enough
5 and you were about ready to talk?

6 A I knew all along that I was going to have to talk
7 and, in fact, I began to talk within a very few days there-
8 after. Everyone knew that.

9 Q That's not the point, Mr. Hunt. That's not the
10 question. If everybody knew that, what was the point in
11 mentioning that? Then you have no option.

12 That's totally inconsistent with the concept of
13 option, if you were to suggest, now, that you had no option.

14 A Well, that's a great White House phrase -- options
15 this, options that. It's a parlance I picked up. I was being
16 as vague --

17 Q It meant, did it not, that you were going to see
18 whether or not you were going to talk? Does it have any
19 other interpretation than that?

20 A I don't know how it was interpreted.

21 Q Well, does it have any other interpretation?

22 A Well, the interpretation, again, I placed on it
23 was that I had been involved in "seamy things" for the White
24 House of which Mr. O'Brien might not be aware, and my impli-
25 cation was that I, having done this kind of work for them

DV

1 before, felt that they had, in effect, a double obligation
2 to me.

3 Q That's the first half of it. But the second half
4 of it is you will review your options if your demands aren't
5 met. And what does that mean?

6 A Well, it sort of means what a parent says to a
7 child. "If you don't bring home the car at 11:00 o'clock to-
8 night, I'll have to give further consideration to our re-
9 lationship."

10 I mean, in other words, what does that mean really?
11 It's just a form of speech, I think.

12 Q You were speaking to Mr. Shapiro as a parent does
13 a child?

14 A I would like to have. I didn't, though.

15 Q And, indeed, you were speaking to Mr. Shapiro in
16 a manner that gravely indicates concern. You were in dead
17 earnest.

18 A Are we talking of Mr. O'Brien or Mr. Shapiro now?

19 Q I'm sorry. Mr. O'Brien, yes. And you're saying
20 that you would have to review your options. You were saying,
21 as a father might say to a child, "You can't have the car
22 anymore. I'm going to do what you don't like me to do. I'm
23 going to punish you." Isn't that so?

24 A It's very hard for me to reconstruct my frame of
25 mind then.

DV

DV

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1 Q In fact, the only thing you could punish with them
2 was to tell the story -- to tell about the seamy things.

3 A Well, these people were well on top of the case,
4 then. They knew it was just a matter of ten days or two
5 weeks before this was going to come before the Grand Jury.

6 Q The point is, Mr. Hunt, we're dealing with a con-
7 versation, at this time, and we're asking you, under oath
8 before this Grand Jury, if you can provide any other explana-
9 tion other than what the plain words mean that you would
10 review your options.

11 A Well, I know that at one point I was contemplating
12 suicide.

13 Q Mr. Hunt, that is not in your mind at the time.
14 You were not threatening or stating to Mr. O'Brien, at this
15 time, were you, that if these monies were not paid that you
16 would commit suicide?

17 A No.

18 Q You don't mean to seriously suggest that?

19 A No, I don't. But you're asking me now to project
20 for you what was in my mind. This is one of the things that
21 was in my mind.

22 Q That had been in your mind earlier but, at this
23 time, you were saying to Mr. O'Brien, "Look, in addition to
24 what I know about Watergate and the chain of command, I've
25 done a lot of things for Mr. Ehrlichman.

1 To this extent, this is new information that you're
2 conveying to Mr. O'Brien that, to your knowledge, he didn't
3 know about before, and you were saying this in the context
4 of making demands for an extraordinary amount of money but,
5 in the face of your going away to jail and losing whatever
6 bargaining position you had at that time, you clearly under-
7 stood that that was the situation. That unless you got these
8 commitments acted on, at that time, that your chances were
9 substantially diminishing in being able to argue your own
10 case from jail later on. Isn't that right?

11 A What do you mean? Arguing my case in jail?

12 Q In respect to getting your commitments. In respect
13 to getting your money.

14 A Oh.

15 Q That was clearly foremost in your mind?

16 A Right.

17 Q And in the same connection, you're telling him, now,
18 that you will review your options in the event that he's not
19 responsive to your immediate demands.

20 A He told me that he was impotent; that he was becom-
21 ing very ineffective; that he was really not the one that I
22 should be talking to, and so forth.

23 Q Well, of course, you told him to pass on this de-
24 mand to Mr. Dean and tell Mr. Dean what it was.

25 A I don't think I knew that Mr. Dean was his principal,

DV

1 at that time. I said "to whomever." I don't believe Mr.
2 O'Brien identified Mr. Dean. I could be wrong about that.

3 Q So it's quite possible that if Mr. O'Brien recol-
4 lects that you said, "Pass it on to Mr. Dean," that Mr.
5 O'Brien could be accurate in his recollection?

6 A I beg your pardon, sir?

7 Q That if Mr. O'Brien recollects you said, "Pass it
8 on to Dean," that you wouldn't quarrel with that particularly.

9 A I wouldn't quarrel particularly with it. I would
10 say that, at that juncture, I had no knowledge that John
11 Dean was active in this thing, as he turned out to be.

12 I presumed, all along, that O'Brien's principal was
13 John Mitchell.

14 Q And you were expecting it to be passed on to John
15 Mitchell rather than Mr. Dean?

16 A To the best of my current recollection, yes.

17 Q But Mr. Ehrlichman was at the White House, where Mr.
18 Dean was, and Mr. Mitchell was up in New York on Wall Street,
19 at the time.

20 A I didn't know where Mr. Mitchell was.

21 Q Well, you knew where he wasn't.

22 A Did I?

23 Q Didn't you know he was no longer Attorney Genera?

24 A I didn't know that he wasn't living down at the
25 Watergate.

DV

1 Q Well, you knew he wasn't in the White House?

2 A That's correct.

3 Q Now, going back to the initial question, Mr. Hunt,
4 is there any other interpretation one could place other than
5 the plain meaning when you said you would review your options
6 other than the fact that unless they met your demands you
7 would tell about the seamy things?

8 A I would like to consult with counsel on that point.

9 THE FOREMAN: Go ahead.

10 THE WITNESS: With your permission.

11 (Whereupon, the witness left the Grand
12 Jury Room.)

13 (Whereupon, the witness returned to
14 the Grand Jury Room.)

15 BY MRS. VOLNER:

16 Q Mr. Hunt, have you had time talk to your attorney?

17 A I have.

18 Q Are you now prepared to answer the question?

19 A I am.

20 Q Would you answer the question, then?

21 A Could I trouble you to restate the question?

22 BY MR. BEN-VENISTE:

23 Q The question was one which has been restated several
24 times, but, again, is there any other interpretation other
25 than the clear meaning of the words that you would review
your options for alternatives other than that you would tell

DV

1 about these so-called seamy things unless they met your
2 demands?

3 A No.

4 MR. BEN-VENISTE: Thank you.

5 BY MRS. VOLNER:

6 Q And what seamy things did you have in mind at the
7 time, Mr. Hunt?

8 A I was thinking about the Fielding episode -- things
9 like that -- that were not integral with the Watergate itself.

10 Q And what other things besides the Fielding break-in?

11 A Oh, I think most of the items that have come out
12 subsequently.

13 Q Can you tell the Grand Jury, please?

14 A Well, we're casting back, now, to just about a year
15 ago. At that time, the Ellsberg thing was uppermost in my
16 mind and I think, if I had actually gone ahead and done any-
17 thing, I would have made a list of those dirty tricks and
18 things as these things have come up.

19 Q There were numerous items that would have been on
20 your list?

21 A That's correct, yes.

22 Q And I'm asking you what those things were.

23 A Oh, my. The Segretti involvement, I suppose. The
24 Vietnam cables. Principally, the whole Fielding-Ellsberg
25 thing.

DV

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

allegations attempting to link me to the Watergate. During that conversation Dean told me he wanted to see me immediately upon my return. On March 8, two days before I left the White House Staff to return to the practice of law, I met with Dean in his office. He was, at that point, working on the President's statement on executive privilege which we discussed at some length. During the meeting he asked me if I would see Bittman or Hunt at some point just to be sure, as he put it, Hunt knew I was still his friend and cared about him.

At this point I had become very cautious, particularly because of the concerns Mr. Shapiro had expressed to me. I made no response to Mr. Dean's request but discussed it immediately with Mr. Shapiro, who instructed me not to see Mr. Hunt under any circumstances. Rather, he, Shapiro, asked me to arrange through Mr. Bittman for him to see Hunt. I did so. Mr. Shapiro met with Mr. Hunt on Friday, March 16, and reported to me on Monday, March 19. He told me in substance that while Mr. Hunt had confirmed that I had no knowledge or involvement in Watergate, Hunt wanted me to act as liaison between himself and the White House. Mr. Shapiro said he told Mr. Hunt that that was impossible, that Mr. Hunt would have to find some other way of making his position known to the White House and that I would be

instructed to have no contact either with Hunt or with the White House concerning Hunt. Following his report, Mr. Shapiro told me in the strongest possible language to have no further discussions with anyone in the White House regarding Howard Hunt.

In the same conversation, Mr. Shapiro told me that, in his view, the situation was getting serious. He said, "For God's sake, the President has to get the facts. Who knows what's going on in that place. The fox may be guarding the chickens". I reminded Mr. Shapiro that I had discussed my suspicions about John Mitchell on February 14, but the President said that Mitchell had sworn he was innocent. I said it was impossible to know what advice the President was getting and from whom and I suspected the President would not know whom to believe. I further said that if I should now start warning the President about others without hard evidence, he might erroneously think that I was myself involved and was only trying to shift the blame to others.

Mr. Shapiro then said, "In that case, there is only one thing you can do for the President. You have to get him outside counsel, somebody impartial, whom he

62. On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean told the President that Dean had been over this like a blanket. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House

was involved. The President said that Magruder put the heat on, and Sloan starts pissing on Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman." The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg break-in.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

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62.1 Meetings and conversations between the President and John Dean, March 17, 1973 (received from White House).....	929
62.2 Memorandum of substance of Dean's calls and meetings with the President, March 17, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	936
62.3 John Dean testimony, 3 SSC 996-97.....	939
62.4 White House edited transcript of meeting between President Nixon and John Dean, March 17, 1973.....	941

WH

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MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972

PM	The President met to sign personal legal documents with:
12:45 1:11	The First Lady
12:49 1:09	John J. Ratchford
12:49 1:11	Mr. Butterfield
12:49 1:11	Mr. Haldeman
12:49 1:12	Mr. Ehrlichman
12:49 1:12	John W. Dean, III
12:49 1:12	John H. Alexander
12:49 1:12	Richard S. Ritzel

No other contact during August 1972

WH

September 15, 1972

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PM The President met with:

3:15 6:17 Mr. Haldeman

5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.

3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November
and December 1972.

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January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)
✓ (Mr. Kissinger was present from 10:30 - 10:37.)

PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

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March 10, 1973

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AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

WH

WH

March 16, 1973

101530

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

WH

WH

62.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN,
MARCH 17, 1973

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:
Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01) 101530
✓ Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:
Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

WH

(934)

WH

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

101530

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

WH

Dash to interview Haldeman and Ehrlichman.- The President suggested Dean should possibly go to Camp David to write his report.

March 17, 1973

President had made a note on a press survey containing an article alleging White House involvement for follow-up (Dean possibly has copy of this). Dean again suggested they bring out 1968 bugging and President said Kleindienst had advised against it. Several names were discussed as possibly subject to attack: Colson, Haldeman, Ehrlichman, Mitchell and Dean himself. The President asked Dean point-blank if he knew about the planned break-in in advance. Dean said no, there was no actual White House involvement regardless of appearances except possibly Strachan. Dean told President Magruder pushed Liddy hard but that Haldeman was not involved. The President wanted Haldeman, Ehrlichman and Dean to talk to the Committee and Dean resisted. Dean told the President of the Ellsberg break-in but that it had nothing to do with Watergate.

(March 19: Ervin had been on Face the Nation and accused Dean of hiding behind executive privilege.)

March 19, 1973

It was decided Dean would send a letter or sworn statement to the Judiciary Committee answering certain questions. -

March 20, 1973

(Republican leadership had been in that day.)
Dean discussed Mitchell's problems with the grand jury, Vesco and the Gurney press conference. The President and Moore agreed that the whole investigation should be made public and that a statement should be released immediately after the sentencing of the defendants. Dean suggested that each member of the Ervin Committee be challenged to invite an FBI investigation of his own Senate campaign. The President called Dean that night and Dean said that there was "not a scintilla of evidence" to indicate White House involvement and Dean suggested he give the President a more in-depth briefing on what had transpired.

1794

EXHIBIT NO. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

V.

Civil
Action
No.

RICHARD M. NIXON
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D. C.

Defendant

AFFIDAVIT OF FRED D. THOMPSON

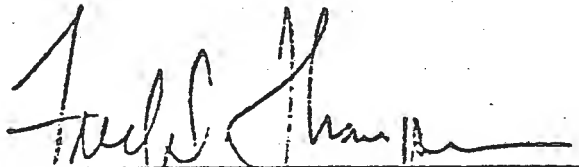
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

1795

2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before me, this <u>9th</u> day of <u>August</u> 1973
 Notary Public, D.C.
My Commission Expires <u>14 May</u> 1974

had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him.

The conversation then turned back to a question from the President regarding the money that was being paid to the defendants. He asked me how this was done. I told him I didn't know much about it other than the fact that the money was laundered so it could not be traced and then there were secret deliveries. I told him I was learning about things I had never known before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman. The meeting ended on this note and there was no further discussion of the matter and it was left hanging just as I have described it.

MEETINGS OF MARCH 14

The meetings which occurred on this day principally involved preparing the President for a forthcoming press conference. I recall talking about executive privilege and making Dean a test case in the courts on executive privilege. The President said that he would like very much to do this and if the opportunity came up in the press conference, he would probably so respond. I also recall that during the meetings which occurred on this day, that the President was going to try to find an answer that would get Ziegler off the hook of the frequent questions asked him regarding the Watergate. He said that he was going to say that he would take no further questions on the Watergate until the completion of the Ervin hearings and that Ziegler in turn could repeat the same statement and avoid future interrogation by the press on the subject.

MEETING OF MARCH 15

It was late in the afternoon after the President's press conference that he asked Dick Moore and I to come over to visit with him. He was in a very relaxed mood and entered into a general discussion about the press conference. The President was amazed and distressed that the press had paid so little attention to the fact that he had made an historic announcement about Ambassador Bruce opening up the liaison office in Peking. He said he was amazed when the first question following that announcement was regarding whether or not Dean would appear before the Senate Judiciary Committee in connection with the Gray hearings. The conversation then rambled into a discussion of the *Hiss* case, and Mr. Moore discussed his memory of the President's handling of the case.

MEETING OF MARCH 16

This meeting was a discussion with Ziegler on how to follow up on a number of matters that had arisen in the press conference of the preceding day.

MEETING OF MARCH 17

This was St. Patrick's Day and the President was in a very good mood and very relaxed and we engaged in a rambling conversation with only some brief reference to the Gray hearings and the problems that were then confronting the White House regarding the President's

statements on executive privilege and his willingness to go to court on the matter. He opined that he did not think that the Senate would be dumb enough to go for the bait he had given them but he was hopeful that they might.

MEETING OF MARCH 19

As I best recall this meeting, it was a rather rambling discussion regarding media problems in connection with the Gray hearings. As the discussion proceeded, I suggested that Mr. Moore might like to engage in this conversation with us. There was some discussion of Senator Ervin's appearance the preceding Sunday on "Face the Nation," and whether or not it would be appropriate for me to respond to some of the points that were being made regarding my requested appearance before the Senate Judiciary Committee. I told the President that I would work with Dick Moore in preparing a draft response.

MEETINGS OF MARCH 20

The President had called me earlier that morning to tell me that I should work up a draft letter of response as a result of the discussions that we had had the preceding evening with Moore. I told him I was drafting a letter and he told me as soon as I had the letter prepared that I should arrange to meet with him. Shortly after lunch, I took over a draft copy of the letter which I had developed with Mr. Moore and I have submitted a copy of that draft letter to the committee.

[The document referred to was marked exhibit No. 34-39.*]

Mr. DEAN. The President read the draft and we discussed it. There was no resolution of the problem. He told me to talk with Ziegler. I told him that if I did this as a sworn statement, that I was going to obviously redraft it very carefully before I signed any affidavit on the letter.

It was during the afternoon of March 20 that I talked again with Dick Moore about the entire coverup. I told Moore that there were new and more threatening demands for support money. I told him that Hunt had sent a message to me—through Paul O'Brien—that he wanted \$72,000 for living expenses and \$50,000 for attorney's fees and if he did not receive it that week, he would reconsider his options and have a lot to say about the seamy things he had done for Ehrlichman while at the White House. I told Moore that I had about reached the end of the line, and was now in a position to deal with the President to end the coverup. I did not discuss with Moore the fact that I had discussed money and clemency with the President earlier, but I told him that I really didn't think the President understood all of the facts involved in the Watergate and particularly the implications of those facts. I told him that the matter was continually compounding itself and I felt that I had to lay the facts out for the President as well as the implication of those facts. Moore encouraged me to do so.

PHONE CONVERSATION OF MARCH 20

When the President called and we had a rather rambling discussion. I told him at the conclusion of the conversation that evening that I wanted to talk with him as soon as possible about the Watergate matter

*See p. 1252.

OVAL OFFICE -- MARCH 17, 1973 -- PRESIDENT/DEAN

1:25 to 2:10 P.M.

(Material relating to breakin at Dr. Fielding's office in California)

P Now on the Segretti thing, I think you've just got to --

Chapin, all of them have just got to take the heat.

Look, you've got to admit the facts, John, and --

D That's right.

P And that's our -- and that's that. And Kalmbach paid him. And (unintelligible) a lot of people. I just think on Segretti, no matter how bad it is. It isn't nearly as bad as people think it was. Espionage, sabotage?

D The intent, when Segretti was hired, was nothing evil nothing vicious, nothing bad, nothing. Not espionage, not sabotage. It was pranksterism that got out of hand and we know that. And I think we can lay our story out there. I have no problem with the Segretti thing. It's just not that serious. The other potential problem is Ehrlichman's and this is --

P In connection with Hunt?

D In connection with Hunt and Liddy both.

P They worked for him?

D They -- these fellows had to be some idiots as we've learned after the fact. They went out and went into

-2-

D Dr. Ellsberg's doctor's office and they had, they were geared up with all this CIA equipment -- cameras and the like. Well they turned the stuff back in to the CIA some point in time and left film in the camera. CIA has not put this together, and they don't know what it all means right now. But it wouldn't take a very sharp investigator very long because you've got pictures in the CIA files that they had to turn over to (unintelligible).

P What in the world -- what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)?

D They were trying to -- this was a part of an operation that -- in connection with the Pentagon papers. They were -- the whole thing -- they wanted to get Ellsberg's psychiatric records for some reason. I don't know.

P This is the first I ever heard of this. I, I (unintelligible) care about Ellsberg was not our problem.

D That's right.

P (Expletive deleted)

D Well, anyway, (unintelligible) it was under an Ehrlichman structure, maybe John didn't ever know. I've never asked him if he knew. I didn't want to know.

-3-

P I can't see that getting into, into this hearing.

D Well, look. No. Here's the way it can come up.

P Yeah.

D In the CIA's files which they -- which the Committee is asking for -- the material they turned over to the Department of Justice.

P Yeah.

D There are all the materials relating to Hunt. In there are these pictures which the CIA developed and they've got Gordon Liddy standing proud as punch outside this doctor's office with his name on it. And (unintelligible) this material it's not going to take very long for an investigator to go back and say, well, why would this -- somebody be at the doctor's office and they'd find out that there was a breakin at the doctor's office and then you'd find Liddy on the staff and then you'd start working it back. I don't think they'll ever reach that point.

P (Unintelligible?)

D This was way, this was --

P It's irrelevant.

D It's irrelevant. Right.

P That's the point. That's where -- that's where -- where Ervin's rules of relevancy (unintelligible).

-4-

P Now what the hell has this got to do with it?

D It has nothing as a lot of these things that they should
stumble along into is irrelevant.

63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.

	Page
63.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 30 (received from Watergate Grand Jury).....	946
63.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 13-14 (received from Watergate Grand Jury).....	947
63.3 U.S. Secret Service White House Appointment Record for Paul O'Brien, March 19, 1973, 5:20 p.m. (received from Watergate Grand Jury).....	949

DV

30

1 particular impact. I had never had anyone make a personal
2 demand on me for over a hundred thousand dollars. I mean it
3 wasn't just that somebody approached me a dime for a cup of
4 coffee.

5 Frankly it sort of sent me right up the wall. I
6 just wanted out of there.

7 Q Did Mr. Hunt indicate that you ought to convey this
8 message to Mr. Dean?

9 A He did.

10 Q Now after you left the office what did you do?

11 A I stopped back past Mr. Bittman's office and I
12 reiterated the essence of the conversation.

13 Q What did Mr. Bittman say?

14 A He said, "I indicated to you that Mr. Hunt was
15 extremely agitated and upset and he was going to do this."
16 That was about it. I then departed.

17 Q Did you then repeat what Mr. Hunt had told you to
18 Mr. Dean?

19 A I did.

20 Q When was that?

21 A As far as I recall, immediately following the meet-
22 ing.

23 BY MR. FRAMPTON:

24 Q Now Mr. O'Brien, you mentioned before a meeting
25 which you had on about November 28th or 29th with Mr. Bittman

1 listening to tapes, to differentiate between the meetings
2 but that statements that you attribute to one meeting very
3 well may have occurred in another meeting, or have been re-
4 peated in substance at the various meetings. Is that, as a
5 general matter, correct?

6 A That is correct. I was -- when I prepared my
7 Senate testimony, I was aware of things that occurred that I
8 couldn't put in any particular meeting and, sometimes, I
9 omitted them for that reason thinking they would come up in
10 cross examination at the Senate hearings, which they didn't.

11 Q Mr. Dean, did there come a time around the latter
12 part of March when you learned that Howard Hunt was threaten-
13 ing to reveal certain matters if his demands for payment of
14 substantial amounts of money were not met?

15 A Yes, I did learn such a fact.

16 Q From whom did you learn this information?

17 A From Mr. Paul O'Brien.

18 Q In substance, what did Mr. Paul O'Brien tell you?

19 A Mr. O'Brien reported that he had had a meeting with
20 Mr. Hunt and Mr. Hunt had told him, at the meeting, a number
21 of things. One particularly of which was that he should take
22 a message to John Dean.

23 I said, "Why Dean?" And he said, "I raised the
24 same question with Mr. Hunt and his response was, 'Well, you
25 just take this to Dean,'" which O'Brien was doing. He told

DV

me that Hunt said that sentencing was eminent and he had to make his arrangements and he had just a few days to do it in; that he wanted to have some, you know, hard evidence that he was being supported in terms of money for his living fees and money for his attorney fees, and if this money did not come he would have to reconsider his option and might have some very seamy things to say about Mr. Ehrlichman.

Q Now, prior to the 21st of March, did you have a conversation with Mr. Ehrlichman about what you had learned from Mr. O'Brien?

A Yes. After Mr. O'Brien brought this to my attention, I brought it to Mr. Ehrlichman's attention.

Q Well, what was the conversation, in substance, which you had with Mr. Ehrlichman?

A Mr. Ehrlichman appeared to want to give the impression that he wasn't particularly concerned about the --

Q I take it you related the substance of what Mr. O'Brien told you to Mr. Ehrlichman?

A Yes, I did. And he wanted to give the impression he wasn't particularly concerned about it, but he asked me if I'd talked to John Mitchell about it. I said, no, I had not. He said, "Well, I think you better talk to Mr. Mitchell about this." And that was the conversation.

Q Thereafter, did you have a conversation with Mr. Mitchell?

DV

UNITED STATES SECRET SERVICE
APPOINTMENT RECORD
EXECUTIVE PROTECTIVE SERVICE

EPS-21A

NAME:		LAST	FIRST	MIDDLE
O'BRIEN, PAUL				
REQUESTED BY	ROOM NO.	DATE	TIME EXPECTED	
ZIER	106	3-19-73	1720	
APPOINTMENT WITH	AGENCY	TIME ARRIVED		
DEAN	WH	1720		
IDENTIFICATION/REMARKS				
Md. Permit				
OFFICER MAKING I.O.			POST	
H.B. Minnis			D-5	

470155

DV

64. On March 20, 1973 John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

	Page
64.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 2-6 (received from Watergate Grand Jury).....	952
64.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 14-16 (received from Watergate Grand Jury).....	957
64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).....	960
64.4 John Ehrlichman log, March 20, 1973 (received from SSC).....	963

P R O C E E D I N G S

Whereupon,

JOHN EHRLICHMAN

was called as a witness and, having been first duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

BY MR. NEAL:

Q Mr. Ehrlichman, I'm going to skip over some areas I want to come back to in time, and ask you some things that occurred near the end of your employment.

I want to ask you if, on or around March the 20th, 1973, you had a conversation with Mr. Dean in which he related to you a certain message that he had allegedly received, either directly or indirectly, from Mr. Hunt?

A Yes.

Q Would you tell us what he related to you?

A As I recall, he said that he had either a call or a conversation with an attorney in behalf of Hunt. He said that, in effect, unless Hunt were paid a substantial amount of money, that he would disclose activities in which he had been engaged in during the time he was at the White House.

Q I'm sorry, I missed the last part of your answer.

A I say he said he would disclose the activities in which he had been engaged during the time he was at the White House, and the message which Dean got apparently related those

DV

1 to Mr. Krogh, but Dean also related them as affecting me.

2 Q Did he say that the message he passed on to you from
3 Hunt would have a lot of things to say about what he'd done
4 -- a lot of things to say about the seamy things that he had
5 done while he was at the White House?

6 A Yes. Or words to that effect.

7 Q Words to that effect. Who was present during this
8 conversation with Dean? You were present, Dean present. Was
9 anyone else present?

10 A I don't believe so.

11 Q What did you say in response to this, if anything?

12 A Well, for one thing, I said it looked to me like
13 blackmail. I asked him -- I also said it looked to me like
14 he was talking about the Plumbers' operation, but I asked him
15 if he understood, from whoever he talked to -- and I believe
16 it was Bittman that he told me he had talked to -- whether
17 this fellow had indicated that this was to be a particular
18 event that he was threatening about or if this was the whole
19 Special Unit operation that he was talking about, or just
20 what Dean understood it to relate to.

21 Q What did Dean say in response to that?

22 A Well, he said he didn't know.

23 Q Did you give Dean any instructions with respect to
24 this?

25 A I asked him --

DV

1 Q Shall we strike that for just a moment from the
2 record. And before I get to that, ask you if you remember
3 any specific sum of money being mentioned?

4 A I remember -- yes, I remember that a specific sum
5 of money was named -- mentioned. Actually, two sums of money
6 were mentioned and I can't tell you precisely what they were,
7 but it was something over \$100,000, in total.

8 Q Right. Do you remember what the purpose of this
9 money -- what Hunt said this money would be used for? The
10 purpose of giving him the money?

11 A I don't think that that was -- well, it may have
12 been told me. I don't recall it, though.

13 Q Now, go on with what, if anything, you asked Dean
14 or instructed Dean to do, after this conversation?

15 A Well, first, there was more conversation.

16 Q Tell us all the conversation.

17 A And I asked Dean for his estimate of the reality
18 of this, whether or not this was a real problem for us or not,
19 because I was thinking in terms of Hunt making a disclosure
20 to the prosecutors of the Special Unit operations.

21 And we discussed whether that was the intent of
22 this or -- because he said that Hunt was coming up for sentenc-
23 ing. I think that was at the time that Hunt was coming up for
24 sentencing. So I was curious as to whether this was in sort
25 of a judicial process framework or whether he was talking

DV

1 about going public with this.

2 Dean said that he felt that it was not a threat to
3 go to the press or to the public with this as much as it was
4 to go to the prosecutors.

5 And the other question that I asked, which led to
6 my requesting, was whether he thought this was really Hunt
7 or whether he thought this was the attorney trying to get
8 money for attorney's fees; and he said that he didn't know,
9 he didn't have a feel for that.

10 And this had apparently not occurred to him and so
11 I said, "I think you ought to talk to Colson."

12 Q Talk to Colson?

13 A And see if he can give you any feel or his estimate
14 of whether that is the case or not but, at the same time, we
15 discussed the possibility of problems in the exposure of the
16 Special Unit operations to the prosecutors and he said he
17 felt that since Petersen had information about the Special
18 Unit for a long time, that did not pose any particular prob-
19 lem in terms of any notoriety or any newspaper stories or
20 things of that kind.

21 So it was kind of a back and forth and, frankly, I
22 was shaken by this because Dean put it in terms that this was
23 a threat aimed at me on a personal basis.

24 So I also asked him whether, in his opinion, I had
25 any legal liability in the eyes of a prosecutor on account of

DV

1 the Plumbers' operation and, particularly, the Ellsberg break-
2 in business.

3 So that was the nature of that conversation.

4 Q Other than what you have related, did you give Mr.
5 Dean any instructions?

6 A I can't recall any.

7 Q Specifically, did you tell him -- did you ask him
8 if he'd discussed this matter with Mitchell, the matter
9 being the subject of this conversation?

10 A No. I think he said he was going to discuss it
11 with Mitchell. I didn't ask him to discuss it with Mitchell.

12 Q That was my next question. Did you ask, request
13 or instruct Dean to take this matter to Mitchell or to dis-
14 cuss the matter with Mitchell?

15 A No. I think that was a given. I think he indicated
16 that that was what he had done or was going to do.

17 Q Okay. But you made no request along that line?

18 A I believe not.

19 Q Now, Mr. Ehrlichman, turning to March 21, 1973, were
20 you present in any conversations that Mr. Dean had with the
21 President?

22 A I don't believe so. Now, let's see. Was that the
23 day -- I beg your pardon.

24 Q Two meetings and you were present at one of them.

25 A Yes, I believe I was there at the afternoon meeting.

DV

DV

14

1 me that Hunt said that sentencing was eminent and he had to
2 make his arrangements and he had just a few days to do it in;
3 that he wanted to have some, you know, hard evidence that he
4 was being supported in terms of money for his living fees
5 and money for his attorney fees, and if this money did not
6 come he would have to reconsider his option and might have
7 some very seamy things to say about Mr. Ehrlichman.

8 Q Now, prior to the 21st of March, did you have a
9 conversation with Mr. Ehrlichman about what you had learned
10 from Mr. O'Brien?

11 A Yes. After Mr. O'Brien brought this to my atten-
12 tion, I brought it to Mr. Ehrlichman's attention.

13 Q Well, what was the conversation, in substance, which
14 you had with Mr. Ehrlichman?

15 A Mr. Ehrlichman appeared to want to give the impres-
16 sion that he wasn't particularly concerned about the --

17 Q I take it you related the substance of what Mr.
18 O'Brien told you to Mr. Ehrlichman?

19 A Yes, I did. And he wanted to give the impression
20 he wasn't particularly concerned about it, but he asked me if
21 I'd talked to John Mitchell about it. I said, no, I had not.
22 He said, "Well, I think you better talk to Mr. Mitchell about
23 this." And that was the conversation.

24 Q Thereafter, did you have a conversation with Mr.
25 Mitchell?

ELIZABETH ANN TIFION
11225 Dewey Court
Kensington, Maryland 20795
(301) 946-4436

1 A Yes, I did. DV

2 Q And, in substance, what was that conversation? I
3 take it Mr. Mitchell was not in Washington at the time?

4 A No, he was not. I had to call him in New York and,
5 as I recall it, it was late in the evening and he had left
6 his office. I reached him at home and had a guarded conversa-
7 tion with him because I had been told by Mr. LaRue -- as a
8 matter of fact, I think he was the one who first told me to
9 be very careful in calling Mr. Mitchell's hotel or apartment
10 because Mrs. Mitchell might well want to listen in on the
11 telephone

12 Q And what do you recall the substance of that conversa-
13 tion being?

14 A I recall that it was a guarded conversation and that
15 I related to Mr. Mitchell what Mr. Ehrlichman had asked me to
16 relate to him.

17 Q And what was Mr. Mitchell's response, if any?

18 A Well, I don't recall -- I recall one thing we talked
19 about was whether Mr. Pappas -- but I didn't use the name
20 Pappas, as I recall -- was coming into town, as a potential
21 source of money.

22 I referred to Mr. Pappas as "a Greek bearing gifts,"
23 and most of the conversation was in a guarded manner like this.
24 And Mr. Mitchell indicated to me he believed Mr. Pappas was
25 going to be in town shortly -- something to that effect.

1 Q Now, did Mr. Mitchell, at that time, indicate to
2 you, one way or another, whether Mr. Hunt would be paid?

3 A No, he did not.

4 Q Thereafter, did you have a conversation with Mr.
5 LaRue?

6 A Yes. I did.

7 Q And what was the substance of that conversation?

8 A Mr. LaRue wanted to know what I was going to do
9 about the problem that had raised, and I told him, nothing;
10 that I was out of that business.

11 He then asked me what I thought he should do and
12 I told him I thought he ought to talk to Mitchell about it.

13 Q Now, after the meeting on the 21st with the Presi-
14 dent and, for a portion, Mr. Haldeman, did you learn from
15 anyone whether Mr. Mitchell had been contacted with respect
16 to coming down to Washington and meeting with you and Mr.
17 Haldeman and the President and Mr. Ehrlichman?

18 A Yes, I did.

19 Q And when did you learn that?

20 A Sometime on the 21st, I learned it from Mr. Halde-
21 man. Originally, it had been hoped that Mr. Mitchell could
22 come down immediately but, for some reason, he couldn't come
23 down until the next morning. So a meeting was scheduled for
24 the next morning.

25 Q Now, later on in the day, on the 21st, you had a

ELIZABETH ANNE TIPTON
11225 Dewey Court
Kensington, Maryland 20755
(301) 946-4436

1 Q That means that the President's advisors as well
2 as Mr. Dean?

3 A That's right. That was the second part of your
4 question, I assumed that.

5 Q And, further, he indicated to you that he did not
6 believe that Mr. Hunt's threats could be met at that time?

7 A That's correct. I should also say that Mr. Dean,
8 in that meeting, was extremely unhappy -- seemed to be very,
9 very aggitated. He told me that he had been under excruciating
10 pressure for months; that his wife was very concerned about
11 him because he couldn't sleep at night; and that he felt
12 terrible. And I should also add that Mr. Dean and I had been
13 very close friends when he was the Associate Deputy Attorney
14 General for Legislation in the Department of Justice.

15 And, also, I had been partly responsible -- I would
16 say probably primarily responsible -- for recruiting him to
17 the White House staff. We had talked on a number of occasions.

18 Q Now, when Mr. Dean said, in substance, that the
19 President did not know what was going on, did you interpret --
20 did that statement lend itself to an interpretation that the
21 President did not understand what the significance was of
22 what was going on?

23 A Yes. It would lend itself to that interpretation.

24 Q Now, following your meeting with Mr. Dean, did you
25 have a telephone conversation with Mr. Ehrlichman on the

DV

1 20th of March as well?

2 A Yes, I did. I returned to the Department of Trans-
3 portation. I'm not sure of the precise time. It must have
4 been about 4:30, 5:00 o'clock that afternoon, and Mr. Ehrlich-
5 man had been trying to call me, I understood, at the time
6 that I had been with Mr. Dean in the Old Executive Office
7 Building.

8 He told me, when we made contact on the telephone,
9 that Mr. Hunt had been asking for a great deal of money. I
10 don't remember if he precisely stated a figure on the tele-
11 phone.

12 Q Did you indicate to Mr. Ehrlichman that Mr. Dean
13 had filled you in on the details?

14 A I don't believe I did tell him that.

15 Q And what else did Mr. Ehrlichman say?

16 A I told him -- I asked him what condition Mr. Hunt
17 was in and he said he did not know; that John Mitchell was
18 responsible for the care and feeding of Howard Hunt.

19 Q I'm not sure that the reporter got that -- the punc-
20 tuations there. Did he say, in substance, that Mr. Ehrlichman
21 told you that Mr. Ehrlichman did not know personally about
22 Mr. Hunt's situation but that Mr. Ehrlichman knew that Mr.
23 Mitchell was responsible for the care and feeding of Mr. Hunt?

24 A That's correct. That is the gist of it, yes, sir.

25 Q I'm sorry. I was distracted for a moment when you
began your narration of this conversation.

DV

1 Did you say that Mr. Ehrlichman told you that Mr.
2 Hunt was asking for a great deal of money and that he might,
3 in effect, blow the lid off?

4 A That's right. That is correct, yes.

5 Q And did he indicate that -- did you say that, if
6 the money was not paid, according to Mr. Ehrlichman, that Mr.
7 Hunt would, in essence, tell all he knew?

8 A In essence, that's correct.

9 Q And what occurred after this part of the conversa-
10 tion?

11 A I asked for a meeting with Mr. Ehrlichman to dis-
12 cuss this situation. He agreed, and I met with him the next
13 afternoon in his office, March 21st, in the West Wing of the
14 White House, second floor.

15 Q Now, were you waiting for him for some time in his
16 outer office?

17 A I waited there, I think, probably for an hour and
18 a half. I'm not sure exactly what time the meeting had been
19 set for -- 2:00, 3:00, 4:00, somewhere in there. But, in any
20 event, I had to wait quite a while before I was able to get
21 in, or he came in and we were able to go in his office to-
22 gether.

23 Q And did you know where Mr. Ehrlichman had been prior
24 to his meeting with you?

25 A I didn't know for certain. I assumed that he had

DV

✓ FRIDAY, MARCH 16, 1973

DF

8:15 HRH office
9:00 Congressman Rhodes, DiBona
10:00 Everett Erlick (ABC), Gene Cowan
11:00 jack sutherland (Us News and World Report)
11:30 Ron McCready
12:00 Buehl Berentson (Senatorial campaign committee)
12:30 WHCA tape for Jack Scott
1:00 Lunch with Jim Lehrer - Sans Souci
2:30 Secretary Weinberger
3:00-4:45 President
5:15-6:45 President, Herman Kahn
To Camp David (with Joby and Bob)

✓ MONDAY, MARCH 19, 1973

8:15 HRH office
11:30 Frank Gannon
12:00 Bob Timm (Chairman, CAB)
2:00 Jules Witcover (WH staff story)
3:00 Nat Owings, David Childs, Len Garment (Bicentennial Gardens)
5:30 President

✓ TUESDAY, MARCH 20, 1973

7:30 KRC meeting
8:30 Republican Leadership - Cabinet Room
11:30 President
1:00 Lunch in Mess with Bill Simon, Bradford Cook
3:30 John Dean
4:00 President, Bush
7:00 Birthday dinner at Trader Vic's - Jody and Bob, Hullins

65. On March 20, 1973 Dean had a conversation with Richard Moore, Special Counsel to the President. Dean told Moore that Hunt was demanding a large sum of money before his sentencing on March 23, and that if this payment were not made, Hunt was threatening to say things that would be very serious for the White House. After this conversation, Dean and Moore met with the President from 1:42 to 2:31 p.m. According to information furnished to the Senate Select Committee by Special Counsel Buzhardt, the President and Moore agreed that a statement should be released immediately after the sentencing of the defendants. According to Moore, following this meeting he told Dean that Dean should tell the President what he knew. According to Dean, Dean told Moore that Dean did not think the President understood all of the facts involved in the Watergate and particularly the implication of those facts and that Dean felt he had to lay those facts and implications out for the President.

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65.2 John Dean testimony, 3 SSC 997.....	968
65.3 Meetings and conversations between the President and John Dean, March 20, 1973 (received from White House).....	969
65.4 Memorandum of substance of Dean's calls and meetings with the President, March 20, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	976

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On March 19, I was called to meet with the President and Mr. Dean in the President's Executive Office Building office. The President reiterated his desire to get out a general statement in advance of the hearings. He asked us to be thinking about ways that this could be done. This would include or could include issuing a full statement or "White Paper"; he was also interested in our thoughts about ways to present our story to the Senate in terms of possible depositions, affidavits, or possible conferences or meetings which would give the Senate all the information it wished but which would not cut across the separation of powers. He asked Dean and me to consider ways to do this.

Now, late on March 19, 1973, or possibly on March 20—before we met later that day with the President—Mr. Dean told me that Howard Hunt was demanding that a large sum of money be given to him before his sentencing on March 23, and that he wanted the money by Wednesday, the 21st. If the payment were not made, Dean said, Hunt had threatened to say things that would be very serious for the White House. I replied that this was pure blackmail, and that Dean should turn it off and have nothing to do with it. I could not imagine, I said, that anything that Hunt could say would be as bad as entering into a blackmail arrangement. I don't recall Mr. Dean's exact words, but he expressed agreement.

This revelation was the culmination of several other guarded comments Mr. Dean had made to me in the immediately preceding days. He had said that he had been present at two meetings attended by Messrs. Mitchell, Magruder, and Liddy before the bugging arrests, during which Liddy had proposed wild schemes that had been turned down—specifically espionage, electronics surveillance, and even kidnapping. He said that the Watergate location had not been mentioned, and that he had "turned off the wild schemes." I believed then and believe today that Mr. Dean had no advance knowledge of the Watergate bugging and break-in. In addition, he said that if he ever had to testify before the grand jury, his testimony would conflict with Mr. Magruder's, and that he had heard that if Magruder faced a perjury charge he would take others with him.

Mr. Dean had also mentioned to me in these days in March that earlier activities of Messrs. Hunt and Liddy—not directly related to Watergate—could be seriously embarrassing to the administration if they ever came to light. He had also implied to me that he knew of payments being made to the defendants for litigation expenses, and Hunt's explicit blackmail demand raised serious questions in my mind as to the purpose of these payments.

This brings me to the afternoon of March 20, when Mr. Dean and I met with the President in the Oval Office. The meeting lasted about half an hour. The President again stated his hope that we could put out a full statement in advance of the hearings, and again he expressed his desire that we be forthcoming, as he put it. He made some comparisons as to our attitude and the attitude of previous administrations, and he wanted us to make sure that we were the most forthcoming of all.

As I sat through the meeting of March 20 with the President and Mr. Dean in the Oval Office, I came to the conclusion in my own mind that the President could not be aware of the things that Dean was worried about or had been hinting at to me, let alone Howard Hunt's

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blackmail demand. Indeed, as the President talked about getting the whole story out—as he had done repeatedly in the recent meetings—it seemed crystal clear to me that he knew of nothing that was inconsistent with the previously stated conclusion that the White House was uninvolved in the Watergate affair, before or after the event.

As we closed the door of the Oval Office and turned into the hall, I decided to raise the issue directly with Mr. Dean. I said that I had the feeling that the President had no knowledge of the things that were worrying Dean. I asked Dean whether he had ever told the President about them. Dean replied that he had not, and I asked whether anyone else had. Dean said he didn't think so. I said, and I use quotation marks to indicate the substance, and I think these are almost my precise words—I said, "Then the President isn't being served, he is reaching a point where he is going to have to make critical decisions and he simply has to know all the facts. I think you should go in and tell him what you know, you will feel better, it will be right for him, and it will be good for the country."

I do not recall whether Dean told me he would take action or not, but I certainly had the impression that he was receptive. In any event, the question was resolved that very evening when I received a call at home sometime after dinner and it was Mr. Dean, who said that the President had just phoned him and that he had decided that this was the moment to speak up. He said that he told the President that things had been going on that the President should know about and it was important that Dean see him alone and tell him. Dean said that the President readily agreed and told Dean to come in the following morning. I congratulated Mr. Dean and wished him well.

The next day, March 21, Mr. Dean told me that he had indeed met with the President at 10 o'clock and had talked with him for 2 hours and had in his words, "Let it all out." I said, "Did you tell him about the Howard Hunt business?" Dean replied that he had told the President everything. I asked him if the President had been surprised and he said yes. I say he said yes in terms of his response; whether yes is the exact words, but it was an affirmative statement.

Following this critical meeting on March 21, I had several subsequent meetings and telephone conversations with Mr. Dean alone, as well as several meetings with the President which Mr. Dean did not attend. I do not dispute Mr. Dean's account of the meetings between us as to any substantive point, and I have no direct knowledge of what transpired in Mr. Dean's subsequent meetings with the President. But nothing said in my meetings or conversations with Mr. Dean or my meetings with the President suggests in any way that before March 21 the President had known—or that Mr. Dean believed he had known—of any involvement of White House personnel in the bugging or the coverup. Indeed, Mr. Dean's own account that he and I agreed on the importance of persuading the President to make a prompt disclosure of all that the President had just learned is hardly compatible with a belief on Mr. Dean's part that the President himself had known the critical facts all along. In one of my talks with the President, the President said he had kept asking himself whether there had been any sign or clue which should have led him to discover the true facts earlier. I told him that I wished that I had been more skeptical and inquisitive so that I could have served the Presidency better.

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statements on executive privilege and his willingness to go to court on the matter. He opined that he did not think that the Senate would be dumb enough to go for the bait he had given them but he was hopeful that they might.

MEETING OF MARCH 19

As I best recall this meeting, it was a rather rambling discussion regarding media problems in connection with the Gray hearings. As the discussion proceeded, I suggested that Mr. Moore might like to engage in this conversation with us. There was some discussion of Senator Ervin's appearance the preceding Sunday on "Face the Nation," and whether or not it would be appropriate for me to respond to some of the points that were being made regarding my requested appearance before the Senate Judiciary Committee. I told the President that I would work with Dick Moore in preparing a draft response.

MEETINGS OF MARCH 20

The President had called me earlier that morning to tell me that I should work up a draft letter of response as a result of the discussions that we had had the preceding evening with Moore. I told him I was drafting a letter and he told me as soon as I had the letter prepared that I should arrange to meet with him. Shortly after lunch, I took over a draft copy of the letter which I had developed with Mr. Moore and I have submitted a copy of that draft letter to the committee.

[The document referred to was marked exhibit No. 34-39.*]

Mr. DEAN. The President read the draft and we discussed it. There was no resolution of the problem. He told me to talk with Ziegler. I told him that if I did this as a sworn statement, that I was going to obviously redraft it very carefully before I signed any affidavit on the letter.

It was during the afternoon of March 20 that I talked again with Dick Moore about the entire coverup. I told Moore that there were new and more threatening demands for support money. I told him that Hunt had sent a message to me—through Paul O'Brien—that he wanted \$72,000 for living expenses and \$50,000 for attorney's fees and if he did not receive it that week, he would reconsider his options and have a lot to say about the seamy things he had done for Ehrlichman while at the White House. I told Moore that I had about reached the end of the line, and was now in a position to deal with the President to end the coverup. I did not discuss with Moore the fact that I had discussed money and clemency with the President earlier, but I told him that I really didn't think the President understood all of the facts involved in the Watergate and particularly the implications of those facts. I told him that the matter was continually compounding itself and I felt that I had to lay the facts out for the President as well as the implication of those facts. Moore encouraged me to do so.

PHONE CONVERSATION OF MARCH 20

When the President called and we had a rather rambling discussion. I told him at the conclusion of the conversation that evening that I wanted to talk with him as soon as possible about the Watergate matter

*See p. 1232.

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MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January,
February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and
John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for
National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and
July 1972.

August 14, 1972

PM		The President met to sign personal legal documents with:
12:45	1:11	The First Lady
12:49	1:09	John J. Ratchford
12:49	1:11	Mr. Butterfield
12:49	1:11	Mr. Haldeman
12:49	1:12	Mr. Ehrlichman
12:49	1:12	John W. Dean, III
12:49	1:12	John H. Alexander
12:49	1:12	Richard S. Ritzel

No other contact during August 1972

WH

September 15, 1972

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PM

The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by
phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President
of Newhouse Newspapers and Newhouse Broadcasting
and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the
Roosevelt Room. Mr. John Dean was in
attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with
Rose Mary Woods and Mr. and Mrs. John Dean.

No contact between the President and John W. Dean, III, during November
and December 1972.

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January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service.
John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III,
in the Oval Office.

✓ (At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.

✓ (Mr. Kissinger was present from 10:30 - 10:37.)
PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.

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March 10, 1973

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AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

✓ PM 4:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.

WFF

March 16, 1973

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AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President
initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean
join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in
his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President
initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President
initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President
initiated the call.)

W11

March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office.
Mr. Haldeman was also present for at least
part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's
EOB office. Also present were:

Mr. Ziegler (departed at 5:25)

Mr. Haldeman

Mr. Ehrlichman (5:25-6:01)

✓ Gen. Scowcroft (5:27-6:05)

101530

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's
EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)

Mr. Haldeman (2:01-3:40)

Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Washington, D. C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida
to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's
EOB Office.

✓ March 22: Deleted -- (Mr. Dean was scheduled to attend the President's
staff briefing in the EOB Briefing Room which
the President attended from 8:44-9:03. Attendance
was not confirmed on this briefing.)

April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's
EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President
initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President
initiated the call.)

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April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

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Dash to interview Haldeman and Ehrlichman.- The President suggested Dean should possibly go to Camp David to write his report.

March 17, 1973

President had made a note on a press survey containing an article alleging White House involvement for follow-up (Dean possibly has copy of this). Dean again suggested they bring out 1968 bugging and President said Kleindienst had advised against it. Several names were discussed as possibly subject to attack: Colson, Haldeman, Ehrlichman, Mitchell and Dean himself. The President asked Dean point-blank if he knew about the planned break-in in advance. Dean said no, there was no actual White House involvement regardless of appearances except possibly Strachan. Dean told President Magruder pushed Liddy hard but that Haldeman was not involved. The President wanted Haldeman, Ehrlichman and Dean to talk to the Committee and Dean resisted. Dean told the President of the Ellsberg break-in but that it had nothing to do with Watergate.

(March 19: Ervin had been on Face the Nation and accused Dean of hiding behind executive privilege.)

March 19, 1973

It was decided Dean would send a letter or sworn statement to the Judiciary Committee answering certain questions. -

March 20, 1973

(Republican leadership had been in that day.) Dean discussed Mitchell's problems with the grand jury, Vesco and the Gurney press conference. The President and Moore agreed that the whole investigation should be made public and that a statement should be released immediately after the sentencing of the defendants. Dean suggested that each member of the Ervin-Committee be challenged to invite an FBI investigation of his own Senate campaign. The President called Dean that night and Dean said that there was "not a scintilla of evidence" to indicate White House involvement and Dean suggested he give the President a more in-depth briefing on what had inspired.

DR

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EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

V.

Civil
Action
No. _____

RICHARD M. NIXON)
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D. C.

Defendant:

AFFIDAVIT OF FRED D. THOMPSON

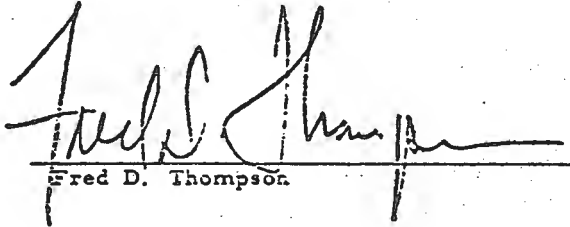
Fred D. Thompson, being sworn, deposes and says:

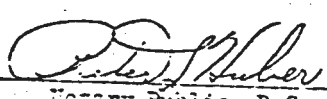
1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

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2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before me, this <u>9TH</u> day of <u>August</u> 1973
 Notary Public, D.C.
My Commission Expires <u>14 May</u> , 1978

66. On March 20, 1973 John Dean had an evening telephone conversation with the President during which he arranged a meeting with the President for the next morning. According to the edited transcript of this conversation made public by the White House, Dean requested a meeting with the President to go over soft spots and potential problem areas. Dean said that his prior conversation with the President had been "sort of bits and pieces" and that he wanted to paint the whole picture for the President. The President agreed to such a meeting, and the President also instructed Dean to try to write a general statement like one that would state categorically that based on Dean's investigation Haldeman, Colson and others were not involved in the Watergate matter.

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66.1 White House edited transcript of tape recorded
telephone conversation between President Nixon
and John Dean, March 20, 1973..... 980

MARCH 20, 1973, (7:29-7:43 PM) - TELEPHONE CONVERSATION -
THE PRESIDENT/DEAN

P John Dean, please.

Opr Yes, Mr. President.

P Hello.

D Yes, Sir.

P You are having rather long days these days, aren't you? I guess we all have.

D I think they will continue to be longer.

(Material unrelated to Presidential actions deleted)

D The other witness they have now subpoenaed - there are two other witnesses - there is a Hoback girl from the Re-Election Committee - she was interrogated by Committee staff and counsel as a result of her confidential interviews with the FBI.

P Hmph.

D Alleging that that had been leaked by me to them and then, of course, that was not true.

P That's not true.

D And the other fellow they are calling is a fellow by the name of Thomas Lombard who is trying to establish a link between Dean on that one. Lombard did volunteer work for me in my office and did volunteer work for Liddy and at one time he saw Liddy in my office. Big deal. It was purely campaign, you know.

-2-

- P Well, is that what Lombard will testify to, or will he testify to -
- D Well he has written a very lengthy letter to the Committee declining to testify originally and saying this is all I would have to say and it is probably not relevant. I know nothing of Dean and Liddy's connection.
- P Right.
- D Other than the fact that they --
- P That's not bad then - maybe he will make a pretty good witness.
- D He might. He might.
- P What about the Hoback girl?
- D The Hoback girl should be broken down. She should come out in tears as a result of the fact that she is virtually lying about one thing and our people will be on the --
- P You mean -- do our people know what to ask her?
- D Yes they do. Yes they do.
- P Uh, huh. Why is she doing it? Do we know?
- D She - ah --
- P Disgruntled? Somebody -
- D Disgruntled. She has been fairly disgruntled all along. She is a Democrat that worked over there in

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D Finance Committee. She professes a personal loyalty to Maury Stans but that is about the extent of it, any, of her loyalty.

P Yeah.

D I never have figured out how she got in there.

(Material unrelated to Presidential action deleted)

P They didn't bite the bullet with regard to subpoenaing you?

D No. I don't think there is any chance they are going to do that.

P That's rather interesting isn't it? Something ought to be made of that.

D Unless they get -- they are taking more evidence on me. Obviously with these other two witnesses, not that I think anything will come out of this. It will just be more -- I had a conversation with John Ehrlichman this afternoon before he came down to visit you. I think that one thing that we have to continue to do, and particularly right now, is to examine the broadest, broadest implications of this whole thing, and, you know, maybe about 30 minutes of just my recitation to you of facts so that you operate from the same facts that everybody else has.

P Right.

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- D I don't think -- We have never really done that.
It has been sort of bits and pieces. Just paint the whole picture for you, the soft spots, the potential problem areas
- P Uh,huh.
- D and the like so that when you make judgments you will have all that information.
- P Would you like to do that -- when?
- D I would think, if its not inconvenient for you, sir, I would like to sort of draw all my thoughts together and have a -- just make some notes to myself so I didn't --
- P Could you do it tomorrow?
- D Yes, Sir. Yes, Sir.
- P Uh,huh. Well, then we could probably do it, say, around ten o'clock.
- D That would be fine, sir.
- P Do you just want to do it alone? Want anybody else there?
- D I think just --
- P It is better with nobody else there, isn't it?
- D Absolutely.
- P Anybody else they are all partisan interest virtually.
- D That's right.

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P Right. Fine. The other thing I was going to say just is this -- just for your own thinking -- I still want to see, though I guess you and Dick are still working on your letter and all that sort of thing?

C We are and we are coming to -- the more we work on it the more questions we see --

P That you don't want to answer, huh?

D that bring problems by answering.

P And so you are coming up, then, with the idea of just a stonewall then? Is that --

D That's right.

P Is that what you come down with?

D Stonewall, with lots of noises that we are always willing to cooperate, but no one is asking us for anything.

P And they never will, huh? There is no way that you could make even a general statement that I could put out? You understand what I --

D I think we could.

P See, for example, I was even thinking if you could even talk to Cabinet, the leaders, you know, just orally and say, "I have looked into this, and this is that," so that people get sort of a feeling that --

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P your own people have got to be reassured.

D Uh,huh.

P Could you do that?

D Well, I think I can but I don't think you would want to make that decision until we have about a --

P No, I want to know. I want to know where all the bodies are first.

D And then, once you decide after that, we can program it anyway you want to do it.

P Yeah. Because I think, for example, you could do it orally, even if you don't want to make the written statement. You could do it orally before the Cabinet, the leaders and the rest. Lay it all out. You see, I would not be present. You just lay it all out and I just -- See what I mean?

D Uh,huh.

P Now that is one thing. The other thing is that I do think there is something to be said for not maybe this complete answer to this fellow, but maybe just a statement to me. My versions are these: bing, bing, bing. That is a possibility.

D Uh, huh.

P What I mean is we need something to answer somebody, answer things, you know they say, "What are you basing this on", I can say, "Well, my counsel has

P advised me that" -- Is that possible or not, or are --

D Well, you know there is that -- and there is always the FBI report which we have probably not relied upon enough. There is not one scintilla of evidence.

P I know. But I mean, can't you say that? Or do you want to put it out?

D Ah, it could be said, and it is something we haven't really emphasized. Pat Gray is the only person who has said it and it has really never gotten picked up.

P How would you do it then? What I meant, isn't that something that you could say? Do you want to publish the FBI report?

D Oh, no, because at our own strictures we are trying to place an up - right --

P But you could say, "I have this and this is that." Fine. See what I am getting at is that, if apart from a statement to the Committee or anything else, if you could just make a statement to me that we can use. You know, for internal purposes and to answer questions, etc.

D As we did when you, back in August, made the statement that --

P That's right.

D And all the things --

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- P You've got to have something where it doesn't appear that I am doing this in, you know, just in a -- saying to hell with the Congress and to hell with the people, we are not going to tell you anything because of Executive Privilege. That, they don't understand. But if you say, "No, we are willing to cooperate," and you've made a complete statement, but make it very incomplete. See, that is what I mean. I don't want a, too much in chapter and verse as you did in your letter, I just want just a general --
- D An all around statement.
- P That's right. Try just something general. Like "I have checked into this matter; I can categorically, based on my investigation, the following: Haldeman is not involved in this, that and the other thing. Mr. Colson did not do this; Mr. so and so did not do this. Mr. Blank did not do this." Right down the line, taking the most glaring things. If there are any further questions, please let me know. See?
- D Uh, huh. I think we can do that.
- P That is one possibility, and then you could say that such things -- and then use the FBI report to the Cabinet and to the leaders. It might just be

67. On March 21, 1973 the President met with John Dean from 10:12 to 11:55 a.m. H.R. Haldeman joined the meeting at approximately 11:15 a.m. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 morning meeting:

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TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, JOHN DEAN AND H. R. HALDEMAN
ON MARCH 21, 1973 FROM 10:12 TO 11:55 A.M.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING AMONG THE PRESIDENT,
JOHN DEAN AND H. R. HALDEMAN ON MARCH 21, 1973
FROM 10:12 TO 11:55 A.M.

PRESIDENT: John, sit down, sit down.

DEAN: Good morning.

PRESIDENT: Well, what is the Dean summary of the day about?

DEAN: John caught me on the way out and asked me about why Gray was holding back on information, if that was under instructions from us. And it, uh, it was and it wasn't. Uh, it was instructions proposed by the Attorney General, consistent with your press conference statement that no further raw data was to be turned over to the

PRESIDENT: Full committee

DEAN: full committee.

PRESIDENT: Right.

DEAN: And that was the extent of it. And Gray, himself, is the one who reached the conclusion that no more information be turned over; he'd turned over enough. Uh, so this is again Pat Gray making decisions on his own as to how to handle his hearings. He has been totally unwilling all

along to take any guidance, any instruction. We don't know what he is going to do. He is not going to talk about it. He won't review it, uh, and I don't think

PRESIDENT: Right.

DEAN: he does it to harm you in any way, sir.

PRESIDENT: He's just quite stubborn and, he's quite stubborn; also he isn't very smart. You know he and I --

DEAN: He is bullheaded.

PRESIDENT: He is smart in his own way, but,

DEAN: Yeah.

PRESIDENT: but he's got that typical, "Well, by God this is right and they're not going to do it."

DEAN: That's why he thinks he'll be confirmed, because he thinks he's being, he's being his own man. He's being forthright, honest. He's feels he has turned over too much and so it's a conscious decision that he is harming the Bureau by doing this and so he is not going to --

PRESIDENT: [Sighs] I hope to God that we get off [unintelligible] though today that, this is because the White House told him to do this or that or the other thing. And also, I told Ehrlichman, I don't see why our little boys can't make something out of the fact that God darn it this is the, this is the, the only

responsible decision you could possibly make. The FBI cannot turn over raw files. Has anybody made that point? I have tried.

DEAN: Sam Ervin has made that point himself.

PRESIDENT: Did he?

DEAN: Uh, in fact, in reading the transcript of Gray's hearings, Ervin tried to hold Gray back from doing what he was doing at the time he did it. Uh, I thought it was very unwise. I don't think that anyone is criticizing

PRESIDENT: Well, let's say,

DEAN: your position on it.

PRESIDENT: let's make the point, let's make the point that the raw files cannot be turned over. Well, I think that point should be made.

DEAN: That, that --

PRESIDENT: We are standing for the rights of innocent individuals. The American Civil Liberty Union is against it. We're against it. [Unintelligible] the tradition, and it will continue to be the tradition that all files are -- I'd like to turn them all over to somebody. I'd like to get a chance for Spiro to put it out. [Unintelligible] and let them see what is in one.

DEAN: How damaging --

PRESIDENT: Any further word on, on Sullivan? Is he still --

DEAN: Yeah, he's, he's going to be over to see me today, this morning, hopefully, sometime. Uh --

PRESIDENT: As soon as you get that, I'll be available to talk to you this afternoon.

DEAN: All right, sir.

PRESIDENT: I will be busy until about one o'clock; after that we can contact. Anytime you are through I would like to see whatever [unintelligible] he has. We've got something but I'd like to just see what it is.

DEAN: Uh, the reason I thought we ought to talk this morning is because in, in our conversations, uh, uh, I have, I have the impression that you don't know everything I know,

PRESIDENT: That's right.

DEAN: and it makes it very difficult for you to make judgments that, uh, that only you can make

PRESIDENT: That's right.

DEAN: on some of these things and I thought that --

PRESIDENT: You've got, in other words, I've got to know why you feel that, uh, that something

DEAN: Well, let me,

PRESIDENT: that, that we shouldn't unravel something.

DEAN: let me give you my overall first.

PRESIDENT: In other words, your, your judgment as to where it stands,
and where we go now.

DEAN: I think, I think that, uh, there's no doubt about the
seriousness of the problem we're, we've got. We have a
cancer -- within -- close to the Presidency, that's growing.
It's growing daily. It's compounding, it grows geometrically
now, because it compounds itself. Uh, that'll be clear as
I explain, you know, some of the details, uh, of why it is,
and it basically is because (1) we're being blackmailed;
(2) uh, people are going to start perjuring themselves very
quickly that have not had to perjure themselves to protect
other people and the like. And that is just -- And there
is no assurance --

PRESIDENT: That it won't bust.

DEAN: That that won't bust.

PRESIDENT: True.

DEAN: So let me give you the sort of basic facts, talking first

about the Watergate; and then about Segretti; and then about some of the peripheral items that, uh, have come up. First of all, on, on the Watergate: how did it all start, where did it start? It started with an instruction to me from Bob Haldeman to see if we couldn't set up a perfectly legitimate campaign intelligence operation over at the Re-election Committee.

PRESIDENT: Hm.

DEAN: Not being in this business, I turned to somebody who had been in this business, Jack Caulfield, who is, I don't know if you remember Jack or not. He was your original bodyguard before

PRESIDENT: Yeah.

DEAN: they had

PRESIDENT: Yeah.

DEAN: candidate, candidate

PRESIDENT: Yeah.

DEAN: protection, an old New York City policeman.

PRESIDENT: Right. I know, I know him.

DEAN: Uh, Jack had worked for John and then was transferred to my office. I said, "Jack come up with a plan that, you know, is a normal infiltration, I mean, you know, buying

information from secretaries and all that sort of thing." He did, he put together a plan. It was kicked around, and, uh, I went to Ehrlichman with it. I went to Mitchell with it, and the consensus was that Caulfield wasn't the man to do this. Uh, in retrospect, that might have been a bad call, 'cause he is an incredibly cautious person and, and wouldn't have put the situation where it is today.

PRESIDENT: Yeah.

DEAN: All right, after rejecting that, they said, "We still need something," so I was told to look around for somebody that could go over to 1701 and do this. That's when I came up with Gordon Liddy, who -- They needed a lawyer. Gordon had an intelligence background from his FBI service. I was aware of the fact that he had done some extremely sensitive things for the White House while he'd been at the White House, and he had apparently done them well. Uh, going out into Ellsberg's doctor's office

PRESIDENT: Oh, yeah.

DEAN: and things like this. He'd worked with leaks. He'd, you know, tracked these things down. Uh, and [coughs] so the report that I got from Krogh was that he was a hell of a good man and, and not only that, a good lawyer, uh, and could set up a proper operation. So we talked to Liddy.

Liddy was interested in doing it. Took, uh, Liddy over to meet Mitchell. Mitchell thought highly of him because, apparently, Mitchell was partially involved in his ev--, coming to the White House to work for, for Krogh. Uh, Liddy had been at Treasury before that. Then Liddy was told to put together his plan, you know, how he would run an intelligence operation. And this was after he was hired over there at the, uh, the Committee. Magruder called me in January and said, "I'd like to have you come over and see Liddy's plan."

PRESIDENT: January of '72?

DEAN: January of '72. Like, "You come over to Mitchell's office and sit in on a meeting where Liddy is going to lay his plan out." I said, "Well, I don't really know as I am the man, but if you want me there I will be happy to." [Clears throat] So I came over and Liddy laid out a million dollar plan that was the most incredible thing I have ever laid my eyes on: all in codes, and involved black bag operations, kidnapping, providing prostitutes, uh, to weaken the opposition, bugging, uh, mugging teams. It was just an incredible thing. [Clears throat]

PRESIDENT: But, uh,

DEAN: And --

PRESIDENT: that was, that was not, uh,

DEAN: No.

PRESIDENT: discussed at the

DEAN: No.

PRESIDENT: [Unintelligible]

DEAN: No, not at all. And,

PRESIDENT: [Unintelligible]

DEAN: uh, Mitchell, Mitchell just virtually sat there puffing and laughing. I could tell 'cause after he -- after Liddy left the office I said, "That's the most incredible thing I have ever seen." He said, "I agree." And so then he was told to go back to the drawing boards and come up with something realistic. So there was a second meeting. Uh, they asked me to come over to that. I came into the tail end of the meeting. I wasn't there for the first part. I don't know how long the meeting lasted. Uh, at this point, they were discussing again bugging, kidnapping and the like. And at this point I said, right in front of everybody, very clearly, I said, "These are not the sort of things (1) that are ever to be discussed in the office of the Attorney General of the United States" -- where he still was -- "and I am personally incensed." I was trying to get Mitchell off the hook, uh, 'cause --

PRESIDENT: I know.

DEAN: He's a, he's a nice person, doesn't like to say no under -- when people he's going to have to work with.

PRESIDENT: That's right.

DEAN: So, I let, I let it be known. I said "You all pack that stuff up and get it the hell out of here 'cause we just, you just can't talk this way in this office and you shouldn't, you should re-examine your whole thinking." Came back --

PRESIDENT: Who else was present? Besides you --

DEAN: It was Magruder, Magruder,

PRESIDENT: Magruder.

DEAN: Uh, Mitchell, Liddy and myself. I came back right after the meeting and told Bob, I said, "Bob, we've got a growing disaster on our hands if they're thinking this way," and I said, "The White House has got to stay out of this and I, frankly, am not going to be involved in it." He said, "I agree John." And, I thought, at that point, the thing was turned off. That's the last I heard of it, when I thought it was turned off, because it was an absurd proposal.

PRESIDENT: Yeah.

DEAN: Liddy -- I did have dealings with him afterwards. We never talked about it. Now that would be hard to believe for some people, but, uh, we never did. Just the fact of the matter.

PRESIDENT: Well, you were talking about other things.

DEAN: Other things. We had so many other things.

PRESIDENT: He had some legal problems at one time.

DEAN: Now [coughs] --

PRESIDENT: But you were his advisor, and I, I understand how you could have some, uh, what cam-- what are they campaign laws -- I knew that was you, you have -- Haldeman told me you, that you were heading all of that up for us. Go ahead.

DEAN: Now. [Clears throat] So, Liddy went back after that and was over, over at, uh, 1701, the Committee, and I, this is where I come into having put the pieces together after the fact as to what I can put together what happened. Liddy sat over there and tried to come up with another plan, that he could sell. (1) They were talking, saying to him he was asking for too much money, and I don't think they were discounting the illegal points at this, after -- you know, Jeb is not a lawyer. He didn't know whether this was the way the game was played or not, and what it was all about. They came up with, apparently, another plan, uh, but they couldn't get it approved by anybody over there. So Liddy and Hunt apparently came to see Chuck Colson, and Chuck Colson picked up the telephone and called Magruder and said, "You all either fish or cut bait. Uh, this is

absurd to have these guys over there and not using them,
and if you're not going to use them, I may use them."

Things of this nature.

PRESIDENT: When was this?

DEAN: This was apparently in February of '72.

PRESIDENT: That could be -- Colson know what they were talking about?

DEAN: I can only assume, because of his close relationship with

PRESIDENT: Hunt.

DEAN: Hunt, he had a damn good idea of what they were talking about,
a damn good idea. He would probably deny it, deny it today
and probably get away with denying it. But I, uh, I still --

PRESIDENT: Unless Hunt --

DEAN: Unless Hunt, uh, blows on him --

PRESIDENT: But then Hunt isn't enough. It takes two doesn't it?

DEAN: Probably. Probably. But Liddy was there also and if, if
Liddy were to blow --

PRESIDENT: Then you've got a problem -- I was saying as to the criminal
liability in the

DEAN: Yeah.

PRESIDENT: White House. Okay.

DEAN: I will go back over that, and tell

PRESIDENT: Was that Colson?

DEAN: you where I think the, the soft spots are.

PRESIDENT: Colson -- that, that, that Colson, uh, you think was the, uh,
was the person who

DEAN: I think he,

PRESIDENT: pushed?

DEAN: I think he helped to get the push, get the thing off the
dime. Now something else occurred, though --

PRESIDENT: Did Colson -- had he talked to anybody here?

DEAN: No. I think this was an independent --

PRESIDENT: Did he talk to Haldeman?

DEAN: No, I don't think so. Now, but here's the other the thing
where the next thing comes in the chain. I think that Bob
was assuming that they had something that was proper over
there, some intelligence gathering operation that Liddy was
operating. And through Strachan, uh, who was his tickler,
uh, he started pushing them

PRESIDENT: [Sighs] Yeah.

DEAN: to get something, to get some

information and they took that as a signal -- Magruder took that as a signal -- to probably go to Mitchell and say, "They are pushing us like crazy for this from the White House." And so Mitchell probably puffed on his pipe and said, "Go ahead," and never really re-- reflected on what it was all about. So, they had some plan that obviously had, I gather, different targets they were going to go after. They were going to infiltrate, and bug, and do all this sort of thing to a lot of these targets. This is knowledge I have after the fact. [Coughs] And, apparently, they, uh, they, they had, they had after, they had initially broken in and bugged the Democratic National Committee, they were getting information. The information was coming over here to Strachan. Some of it was given to Haldeman, uh, there is no doubt about it. Uh --

PRESIDENT: Did he know what it was coming from?

DEAN: I don't really know if he would.

PRESIDENT: Not necessarily.

DEAN: Not necessarily. That's not necessarily. Uh--

PRESIDENT: Strachan knew what it was from.

DEAN: Strachan knew what it was from. No doubt about it, and

whether Strachan -- I have never come to press these people
on these points because it,

PRESIDENT: Yeah.

DEAN: it hurts them to, to give up that next inch, so I had to
piece things together. All right, so Strachan was aware
of receiving information, reporting to Bob. At one point
Bob even gave instructions to change their capabilities
from Muskie to McGovern, and had passed this back through
Strachan to Magruder and, and apparently to Liddy. And
Liddy was starting to make arrangements to go in and bug
the, uh, uh, McGovern operation. They had done prelim--

PRESIDENT: They had never bugged Muskie, though, did they?

DEAN: No, they hadn't, but they had a, they had, uh, they'd

PRESIDENT: [Unintelligible]

DEAN: infiltrated it by a, a, they had

PRESIDENT: A secretary.

DEAN: a secretary and a chauffeur. Nothing illegal about that.

PRESIDENT: [Unintelligible]

DEAN: Now, so the information was coming over here and then, uh,
I finally, after the next point in time where I became
aware of anything was on June 17th, when I got the word
that there had been this break-in at the Democratic
National Committee and somebody from the Committee had been

caught, uh, from our Committee had been caught in the DNC. And I said, "Oh, my God, that, I can only." You know, if, instantly putting the pieces together --
[Coughs]

PRESIDENT: You knew what it was.

DEAN: I knew what it was. So I called Liddy, uh, on that Monday morning, and I said, "Gordon," I said, "first, I want to know if anybody in the White House was involved in this." And he said, "No, they weren't." I said, "Well, I want to know how in God's name this happened." And he said, "Well, I was pushed without mercy by Magruder to get in there, get more information, that the information, it was not satisfactory. Magruder said, 'The White House is not happy with what we're getting.'"

PRESIDENT: The White House?

DEAN: The White House. Yeah. Uh --

PRESIDENT: Who do you think was pushing him?

DEAN: Well, I think it was probably Strachan thinking that Bob wanted things, and, because, because I have seen that happen on other occasions where things have been said to be of

very prime importance when they really weren't.

PRESIDENT: Why [unintelligible] I wonder? I am just trying to think as to why then. We'd just finished the Moscow trip. I mean, we were --

DEAN: That's right.

PRESIDENT: The Democrats had just nominated McG-- McGovern. I mean, for Christ's sakes, I mean, what the hell were we -- I mean I can see doing it earlier but I mean, now let me say, I can see the pressure, but I don't see why all the pressure would have been around then.

DEAN: I don't know, other than the fact that, uh, they might have been looking for information about

PRESIDENT: The convention.

DEAN: the conventions.

PRESIDENT: Well, that's right.

DEAN: Because, I understand, also, after the fact, that there was a plan to bug Larry O'Brien's suite down in Florida.

PRESIDENT: Yeah.

DEAN: Uh, so, uh, Liddy told me that, uh, you know, this is what had happened and, and this is why it had happened.

PRESIDENT: Liddy told you he was planning -- where'd he learn there was such a plan -- from whom?

DEAN: Beg your pardon?

PRESIDENT: Where did he learn of the plans to bug Larry O'Brien's suite?

DEAN: From Magruder, after the, long after the fact.

PRESIDENT: Oh, Magruder, he knows.

DEAN: Yeah. Magruder is totally knowledgeable on the whole thing.

PRESIDENT: Yeah.

DEAN: All right, now, we've gone through the trial. We've -- I don't know if Mitchell has perjured himself in the Grand Jury or not. I've never --

PRESIDENT: Who?

DEAN: Mitchell. I don't know how much knowledge he actually had. I know that Magruder has perjured himself in the Grand Jury. I know that Porter has perjured himself, uh, in the Grand Jury.

PRESIDENT: Porter [unintelligible]

DEAN: He is one of Magruder's deputies.

PRESIDENT: Yeah.

DEAN: Uh, that they set up this scenario which they ran by me. They said, "How about this?" I said, "I don't know. I, you know, if, if this is what you are going to hang on, fine." Uh, that they --

PRESIDENT: What did they say before the Grand Jury?

DEAN: They said, they said, as they said before the trial and the Grand Jury, that, that, uh, Liddy had come over as, as a counsel

PRESIDENT: Yeah.

DEAN: and we knew he had these capacities to,

PRESIDENT: Yeah.

DEAN: You know,

PRESIDENT: Yeah.

DEAN: to do legitimate intelligence. We had no idea what he was doing.

PRESIDENT: Yeah.

DEAN: He was given an authorization of \$250,000

PRESIDENT: Right.

DEAN: to collect information, because our surrogates were out on the road. They had no protection. We had information that there were going to be demonstrations against them, that, uh, uh, we had to have a plan to get information as to what liabilities they were going to be confronted with

PRESIDENT: Right.

DEAN: and Liddy was charged with doing this. We had no knowledge that he was going to bug the DNC. Uh --

PRESIDENT: Well, the point is, that's not true.

DEAN: That's right.

PRESIDENT: Magruder did know that --

DEAN: Magruder specifically instructed him to go back in the DNC.

PRESIDENT: He did?

DEAN: Yes.

PRESIDENT: You know that? Yeah. I see. Okay.

DEAN: Uh, I honestly believe that no one over here knew that. I know, uh, as God is my maker, I had no knowledge that they were going to do this.

PRESIDENT: Bob didn't either [unintelligible]

DEAN: Uh, but --

PRESIDENT: They know you're not the issue. Bob, Bob, now -- he wouldn't know.

DEAN: Bob -- I don't believe specifically knew they were going in there.

PRESIDENT: I don't think so.

DEAN: I don't think he did. I think he knew there was a capacity to do this but he wouldn't, wasn't giving it specific direction.

PRESIDENT: Strachan, did he know?

DEAN: I think Strachan did know.

PRESIDENT: They were going back into the DNC? Hunt never [unintelligible]

DEAN: All right, so -- uh, those people are in trouble as a result of the Grand Jury and the trial. Mitchell, of course, was never called during the trial. Now --

PRESIDENT: Mitchell has given a sworn statement?

DEAN: Yes, sir.

PRESIDENT: To the Bureau?

DEAN: To the Grand Jury --

PRESIDENT: Did he go before the Grand Jury?

DEAN: He had, we had a, an arrangement whereby he went down to, with several of the, because it was, you know, the heat of

this thing and the implications on the election, we made an arrangement where they could quietly go into the Department of Justice and have one of the assistant U. S. Attorneys come over and take their testimony and then read it before the Grand Jury. Uh,

PRESIDENT: That was [unintelligible]

DEAN: although I -- That's right, Mitchell was actually called before the Grand Jury. The Grand Jury would not settle for less. The jurors wanted him.

PRESIDENT: And he went.

DEAN: And he went.

PRESIDENT: Good.

DEAN: Uh, I don't know what he said. Uh, I have never seen a transcript of the Grand Jury. Now, [sighs] what, what has happened post-June 17? Well, it was, I was under pretty clear instructions [laughs] not to really to investigate this, that this was something that just could have been disastrous on the election if it had -- all hell had broken loose, and I worked on a theory of containment

PRESIDENT: Sure.

DEAN: to try to hold it right where it was.

PRESIDENT: Right.

DEAN: There is no doubt I, I, uh, that, uh, I was totally aware what the Bureau was doing at all times. I was totally aware of what the Grand Jury was doing.

PRESIDENT: You mean --

DEAN: I knew what witnesses were going to be called. I knew what they were going to be asked, and I had to. There just --

PRESIDENT: Why did Petersen play the, play the game so straight with us?

DEAN: Because Petersen is a soldier. He played -- He kept me informed. He told me when we had problems, where we had problems and the like. Uh, he believes in, in, in you. He believes in this Administration. This Administration has made him. Uh, I don't think he's done anything improper, but he did make sure the investigation was narrowed down to the very, very

PRESIDENT: Right.

DEAN: fine

PRESIDENT: Right.

DEAN: criminal things, which was a break for us. There is no doubt about it.

PRESIDENT: He honestly feels that he did an adequate job?

DEAN: He, uh, they ran that investigation out to the fullest extent they could follow a lead [coughs] and that was it.

PRESIDENT: But the point is, where I suppose he could be criticized for not doing an adequate job: Why didn't he call Haldeman? Why didn't he get a statement from Colson? Oh, they did get Colson.

DEAN: That's right. But see, the thing is, is based on their FBI interviews, there was no reason to follow up. There were no leads there. Colson said, "I have no knowledge of this" to the FBI. Uh, Strachan said, "I have no knowledge of -- " you know, they didn't ask Strachan any Watergate questions. They asked him about Segretti. Uh, they said, "What's your connection with Liddy?" and he just said, "Well, I, you know, I just, met him over there," and they never really pressed him. They didn't, you know, they -- Look, Strachan appeared, uh, as a result of some coaching, he could be the dumbest paper pusher in the bowels of the, the White House.

PRESIDENT: Right.

DEAN: All right. Now post-June 17th: These guys immediately -- It is very, very [laughs] interesting. Liddy, for example, the Friday before -- uh, on I guess it was the, uh, on the 15th, uh, 16th, uh, of, uh, June -- had been in Henry Petersen's office with another member of my staff on campaign compliance [laughs] problems, uh, joking. After the incident, he went, he ran, uh, Kleindienst down at Burning Tree Country Club and told [laughs] him that "you've got to get my men out of jail," which was kind of a -- Kleindienst said, "Now, you get the hell out of here, kid, uh. Whatever you've got to say, just say to somebody else. Don't bother me," and -- But this has never come up.

PRESIDENT: Yeah.

DEAN: Uh, Liddy said, said that, you know, if they all got counsel instantly and said that, you know, "We'll, we'll ride this thing out." All right, then they started making demands. "We've got to have attorneys' fees. Uh, we don't have any money ourselves, and if -- you are asking us to take this through the election." All right, so arrangements were made through Mitchell, uh, initiating it, in discussions that -- I was present -- that these guys had to be taken

care of. Their attorneys' fees had to be done. Kalmbach was brought in. Uh, Kalmbach raised some cash. Uh, they were obv--, uh, you know,

PRESIDENT: They put that under the cover of a Cuban Committee or [unintelligible]

DEAN: Yeah, they, they had a Cuban Committee and they had -- some of it was given to Hunt's lawyer, who in turn passed it out. This, you know, when Hunt's wife was flying to Chicago with ten thousand, she was actually, I understand after the fact now, was going to pass that money to, uh, one of the Cubans -- to meet him in Chicago and pass it to somebody there.

PRESIDENT: [Unintelligible]. Maybe -- Well, whether it's maybe too late to do anything about it, but I would certainly keep that, [laughs] that cover for whatever it's worth.

DEAN: I'll --

PRESIDENT: Keep the Committee.

DEAN: Af--, after, well, that, that, that's

PRESIDENT: [Unintelligible]

DEAN: the most troublesome post-thing, uh, because (1) Bob is involved in that; John is involved in that; I am involved in that; Mitchell is involved in that. And that's an obstruction of justice.

PRESIDENT: In other words the fact that, uh, that you're, you're, you're taking care of witnesses.

DEAN: That's right. Uh,

PRESIDENT: How was Bob involved?

DEAN: well, th--, they ran out of money over there. Bob had three hundred and fifty thousand dollars in a safe over here that was really set aside for polling purposes. Uh, and there was no other source of money, so they came over here and said, "You all have got to give us some money."

PRESIDENT: Right.

DEAN: I had to go to Bob and say, "Bob, you know, you've got to have some -- they need some money over there." He said "What for?" And so I had to tell him what it was for 'cause he wasn't about to just send money over there willy-nilly. And, uh, John was involved in those discussions, and we decided, you know, that, you know, that there was no price too high to pay to let this thing blow up in front of the election.

PRESIDENT: I think you should handle that one pretty fast.

DEAN: Oh, I think --

PRESIDENT: That issue, I mean.

DEAN: I think we can.

PRESIDENT: So that the three-fifty went back to him. All it did was --

DEAN: That's right. I think we can too.

PRESIDENT: Who else [unintelligible]?

DEAN: But, now, here, here's what's happening right now.

PRESIDENT: Yeah.

DEAN: What sort of brings matters to the -- This is the one that's going to be a continual blackmail operation by Hunt and Liddy and the

PRESIDENT: Yeah.

DEAN: Cubans. No doubt about it. And McCord,

PRESIDENT: Yeah.

DEAN: who is, who is another one involved. McCord has asked for nothing. Uh, McCord did ask to meet with somebody, and it was Jack Caulfield, who is his old friend who'd gotten him hired over there. And, when, when, when Caulfield had him hired, he was a perfectly legitimate security man. And he wanted to know, well, you know, [coughs] he wanted to talk about commutation, and things like that. And as you know Colson

has talked to, indirectly to Hunt about commutation.

[Clears throat] All these things are bad, in, in, in that they are problems, they are promises, they are commitments. They are the very sort of thing that the Senate is going to be looking most for. I don't think they can find them, frankly.

PRESIDENT: Pretty hard.

DEAN: Pretty hard. Damn hard. It's all cash. Uh--

PRESIDENT: Well, I mean, pretty hard as far as the witnesses are concerned.

DEAN: That's right. Now. The blackmail is continuing. Hunt called one of the lawyers from the Re-election Committee on last Friday to meet with him on -- over the weekend. The guy came in to me, to see me to get a message directly from Hunt to me, for the first time.

PRESIDENT: Is Hunt out on bail?

DEAN: Pardon?

PRESIDENT: Is Hunt on bail?

DEAN: Hunt is on bail. Correct. Uh, Hunt now is demanding another seventy-two thousand dollars for his own personal expenses;

another fifty thousand dollars to pay his attorneys' fees; a hundred and twenty some thousand dollars. Wants it, wanted it by the close of business yesterday. 'Cause he says, "I am going to be sentenced on Friday, and I've got to be able to get my financial affairs in order." I told this fellow O'Brien, "You came -- all right, you came to the wrong man, fellow. I'm not involved in the money. Uh, I don't know a thing about it, can't help you." Said, "You better scramble around elsewhere." Now, O'Brien is, O'Brien is, is a ball player. He's been, he's carried tremendous water for us. Uh--

PRESIDENT: He isn't Hunt's lawyer, is he?

DEAN: No he is, he is our lawyer at the Re-election Committee.

PRESIDENT: I see. Good.

DEAN: So he's safe. There's no problem there. But it raises the whole question of Hunt now has made a direct threat against Ehrlichman, as a result of this. This is his blackmail. He says, "I will bring John Ehrlichman down to his knees and put him in jail. Uh, I have done enough seamy things for he and Krogh, uh, that they'll never survive it."

PRESIDENT: What's that, on Ellsberg?

DEAN: Ellsberg, and apparently some other things. I don't know the full extent of it. Uh --

PRESIDENT: I don't know about anything else.

DEAN: I don't know either, and I [laughs] almost hate to learn some of these

PRESIDENT: Yeah.

DEAN: things. So that's, that's that situation. Now, where are the soft points? How many people know about this? Well, uh, well, let me go one step further in this, this whole thing. The Cubans that were used in the Watergate were also the same Cubans that Hunt and Liddy used for this California Ellsberg thing, for the break-in out there.

PRESIDENT: Yeah.

DEAN: So they are, they are aware of that. How high their knowledge is, is something else. Hunt and Liddy, of course, are totally aware of, of, of it, and the fact that, uh, it was right out of the White House.

PRESIDENT: I don't know what the hell we did that for.

DEAN: I don't either.

PRESIDENT: What in the name of God did that --

DEAN: Mr. President, there have been a couple of things around here that I have gotten wind of. Uh, there was at one time a desire to do a second-story job on the Brookings Institute where they had the Pentagon Papers. Now I flew to California because I was told that John had instructed it and he said, "I really hadn't. It is a misimpression, that for Christ's sake, turn it off." And I did. I came back and turned it off. Because, you know the, when you, you know, if the risk is minimal and the, and the gain is fantastic, it's something else. But with a low risk and, uh, no gain, uh, gee, it's just, uh, it's not worth it. But -- who knows about this all now? All right, you've got [clears throat] the Cubans' lawyer, a man by the name of Rothblatt, who is a no good, publicity seeking, son-of-a-bitch, to be very frank about it. He has had to be turned down and tuned off. He was canned by his own people 'cause they didn't trust him. They were trying to run a different route than he wanted to run. He didn't want them to plead guilty. He wants to represent them before the Senate. So F. Lee Bailey, who was the partner of one of the, one of the men representing McCord, uh, got in and, and cooled Rothblatt down. So F. Lee, Lee Bailey's got knowledge. Uh,

Hunt's lawyer, a man by the name of Bittman, who's an excellent criminal lawyer from the Democratic era of Bobby Kennedy, he's got knowledge. Uh--

PRESIDENT: Do you think, do you think, that he's got some? How much?

DEAN: Well, everybody -- not only, all the, all the direct knowledge that Hunt and Liddy have, as well as all the hearsay they have.

PRESIDENT: I [unintelligible]

DEAN: Uh, you've got the two lawyers over at the Re-election Committee who did an investigation to find out the facts. Slowly, they got the whole picture. They are, I, they're solid, but they're --

PRESIDENT: But they know.

DEAN: But they know. Uh, you've got, then, an awful lot of -- all the principals involved know. Uh, Hunt -- Some people's wives know.

PRESIDENT: Sure.

DEAN: Uh, there's no doubt about that. Mrs. Hunt was the savviest woman in the world. She had the whole picture together.

PRESIDENT: Did she?

DEAN: Yeah, it, uh -- Apparently, she was the pillar of strength in that family before the death, and, uh--

PRESIDENT: Great sadness. The basis, as a matter of fact [clears throat] there was some discussion over there with somebody about, uh, Hunt's problems after his wife died and I said, of course, commutation could be considered on the basis of his wife, and that is the only discussion I ever had in that light.

DEAN: Right. Uh, so that, that's it. That's the, the extent of the knowledge. Now, where, where are the soft spots on this? Well, first of all, there's the, there's the problem of the continued blackmail

PRESIDENT: Right.

DEAN: which will not only go on now, it'll go on when these people are in prison, and it will compound the obstruction of justice situation. It'll cost money. It's dangerous. Nobody, nothing -- people around here are not pros at this sort of thing. This is the sort of thing Mafia people can do: washing money, getting clean money, and things like

that, uh-- we're -- We just don't know about those things, because we're not used to, you know -- we are not criminals and not used to dealing in that business. It's, uh, it's, uh --

PRESIDENT: That's right.

DEAN: It's a tough thing to know how to do.

PRESIDENT: Maybe we can't even do that.

DEAN: That's right. It's a real problem as to whether we could even do it. Plus there's a real problem in raising money. Uh, Mitchell has been working on raising some money. Uh, feeling he's got, you know, he's got one, he's one of the ones with the most to lose. Uh, but there's no denying the fact that the White House, and, uh, Ehrlichman, Haldeman, Dean are involved in some of the early money decisions.

PRESIDENT: How much money do you need?

DEAN: I would say these people are going to cost, uh, a million dollars over the next, uh, two years.

PRESIDENT: We could get that.

DEAN: Uh huh.

PRESIDENT: You, on the money, if you need the money, I mean, uh, you could get the money. Let's say --

DEAN: Well, I think that we're going --

PRESIDENT: What I meant is, you could, you could get a million dollars. And you could get it in cash. I, I know where it could be gotten.

DEAN: Uh huh.

PRESIDENT: I mean it's not easy, but it could be done. But, uh, the question is who the hell would handle it?

DEAN: That's right. Uh--

PRESIDENT: Any ideas on that?

DEAN: Well, I would think that would be something that Mitchell ought to be charged with.

PRESIDENT: I would think so too.

DEAN: And get some, get some pros to help him.

PRESIDENT: Let me say, there shouldn't be a lot of people running around getting money. We should set up a little --

DEAN: Well, he's got one person doing it who I am not sure is --

PRESIDENT: Who is that?

DEAN: He's got Fred LaRue, uh, doing it. Now Fred started out going out trying to

PRESIDENT: No.

DEAN: solicit money from all kinds of people. Now, I learned about that, and I said,

PRESIDENT: No.

DEAN: "My God,"

PRESIDENT: No.

DEAN: "It's just awful. Don't do it."

PRESIDENT: Yeah.

DEAN: Uh, people are going to ask what the money is for. He's working -- He's apparently talked to Tom Pappas.

PRESIDENT: I know.

DEAN: And Pappas has, uh, agreed to come up with a sizeable amount, I gather, from, from

PRESIDENT: Yeah.

DEAN: Mitchell.

PRESIDENT: Yeah. Well, what do you need, then? You need, uh, you don't need a million right away, but you need a million. Is that right?

DEAN: That's right.

PRESIDENT: You need a million in cash, don't you? If you want to put that through, would you put that through, uh -- this is thinking out loud here for a moment -- would you put that through the Cuban Committee?

DEAN: Um, no.

PRESIDENT: Or would you just do this through a -- [Unintelligible] that it's going to be, uh, well, it's cash money, and so forth. How, if that ever comes out, are you going to handle it? Is the Cuban Committee an obstruction of justice, if they want to help?

DEAN: Well, they've got a pr--, they've got priests, and they --

PRESIDENT: Would you like to put, I mean, would that, would that give a little bit of a cover, for example?

DEAN: That would give some for the Cubans and possibly Hunt.

PRESIDENT: Yeah.

DEAN: Uh, then you've got Liddy, and McCord is not, not accepting any money. So, he's, he is not a bought man right now.

PRESIDENT: Okay.

DEAN: All right. Let, let me, uh,

PRESIDENT: Go ahead.

DEAN: continue a little bit here now. The, uh, I, when I say this is a, a growing cancer, uh, I say it for reasons like this. Bud Krogh, in his testimony before the Grand Jury, was forced to perjure himself. Uh, he is haunted by it. Uh, Bud said, "I haven't had a pleasant day on the job."

PRESIDENT: Huh? Said what?

DEAN: He said, "I have not had a pleasant day on my job." Uh, he talked, apparently, he said to me, "I told my wife all about this," he said. "The, uh, the curtain may ring down one of these days, and, uh, I may have to face the music, which I'm perfectly willing to do." Uh--

PRESIDENT: What did he perjure himself on, John?

DEAN: His, did, uh, did he know the Cubans? He did. Uh --

PRESIDENT: He said he didn't?

DEAN: That's right. They didn't press him hard, or that he --

PRESIDENT: He might be able to -- I am just trying to think. Perjury is an awful hard rap to prove. He could say that I -- Well, go ahead.

DEAN: [Coughs] Well, so that's, that's the first, that's one perjury. Now, Mitchell and, and, uh, Magruder are potential perjuries. There is always the possibility of any one of these individuals blowing. Hunt. Liddy. Liddy is in jail right now; he's serving his -- trying to get good time right now. I think Liddy is probably, in his, in his own bizarre way, the strongest of all of them. Uh, so there's, there is that possibility.

PRESIDENT: Well, your, your major, your major guy to keep under control is Hunt.

DEAN: That's right.

PRESIDENT: I think. Because he knows

DEAN: He knows so much.

PRESIDENT: about a lot of other things.

DEAN: He knows so much. Right. Uh, he could sink Chuck Colson. Apparently, apparently he is quite distressed with Colson.

He thinks Colson has abandoned him. Uh, Colson was to meet with him when he was out there, after, now he had left the White House. He met with him through his lawyer. Hunt raised the question; he wanted money. Colson's lawyer told him that Colson wasn't doing anything with money, and Hunt took offense with that immediately, that, uh, uh, that Colson had abandoned him. Uh --

PRESIDENT: Don't you, just looking at the immediate problem, don't you have to have -- handle Hunt's financial situation

DEAN: I, I think that's,

PRESIDENT: damn soon?

DEAN: that is, uh, I talked to Mitchell about that last night,

PRESIDENT: Mitchell.

DEAN: and, and, uh, I told --

PRESIDENT: Might as well. May have the rule you've got to keep the cap on the bottle that much,

DEAN: That's right; that's right.

PRESIDENT: in order to have any options.

DEAN: That's right.

PRESIDENT: Either that or let it all blow right now.

DEAN: Well that, you know, that's the, that's the question. Uh --

PRESIDENT: Now, go ahead. The others. You've got Hunt;

DEAN: All right, now we've got --

PRESIDENT: you've got Krogh, and you've got --

DEAN: Now we've got Kalmbach. [Coughs]

PRESIDENT: Yeah, that's a tough one.

DEAN: Kalmbach received

PRESIDENT: [Unintelligible]

DEAN: at the close of the, of the, uh, '68 campaign, in January of '69, he got a million seven dollars, uh, a million seven hundred thousand dollars to be custodian for. That came down from New York. It was placed in safe deposit boxes here. Uh, some other people were on the boxes, and ultimately, the money was taken out to California. All right, there is knowledge of the fact that he did start with a million seven. Several people know this. Now since '69, he's spent a good deal of this money and, and, uh, accounting for it is going to be very difficult for Herb. For example, he's spent -- oh -- close to five hundred thousand dollars on private polling. Now that just opens up a whole new

thing. It's not illegal, but, uh, it's more of the same sort of thing.

PRESIDENT: I don't think that poses a hell of a problem, does it?

DEAN: No, I don't think so. Uh --

PRESIDENT: Practically everybody does polling.

DEAN: That's right, uh, it's not, there's nothing criminal about it. It was private polled. It was,

PRESIDENT: Nothing --

DEAN: uh, proper money.

PRESIDENT: The law didn't, the law didn't [unintelligible] [cough] polled all through the years.

DEAN: That's right. Uh, he sent four hundred thousand dollars, as he's described it to me, somewhere in the South for another candidate. I assume this was four hundred, uh, that went

PRESIDENT: Wallace.

DEAN: to Wallace. Right. Uh, he has maintained, uh, a, a man who I only know by the name of "Tony," who is the fellow who did the, the Chappaquidick study and

PRESIDENT: I heard about that.

DEAN: other, other odd jobs like that. Nothing illegal,

PRESIDENT: Yeah.

DEAN: uh, but closer. Uh, I don't know of anything that Herb has done that is illegal, other than the fact that he doesn't want to blow the whistle on a lot of people, and may find himself in a perjury situation.

PRESIDENT: Well, if he, uh, he -- could because he will be asked about that money?

DEAN: He will. What'll happen is, when they call him up there -- and he of course has no immunity, uh, they'll say, "How did you happen -- how did you pay Mr. Segretti?" "Well, I had cash on hand." "Well, how much cash did you have on hand?"

PRESIDENT: Right.

DEAN: Uh, where does he go from there? "Where did you get the cash?"

PRESIDENT: Uh huh.

DEAN: A full series of questions. His bank records indicate he had cash on hand, because some of these were set up in trustee accounts.

PRESIDENT: How would you handle him, then, John. For example, would

you just have him put the whole thing out?

DEAN: [Draws breath]

PRESIDENT: I don't think so. I mean I don't mind the five hundred thousand dollars and I don't mind the four hundred thousand dollars

DEAN: No, that,

PRESIDENT: for activities [unintelligible]

DEAN: that, that, uh, that doesn't bother me either. There's -- as I say, Herb's problems are

PRESIDENT: There's a surplus ---

DEAN: politically embarrassing, but not as -- not criminal.

PRESIDENT: Well, they're embarrassing, sure -- he, he just handled matters that were between the campaigns, before anything was done. There were surveys, et cetera, et cetera, et cetera, et cetera. There is no need to account for that. No law requires him to account for that.

DEAN: Right. Uh, now --

PRESIDENT: The source of the money, there's no illegality in having a surplus, is there, in cash after --?

DEAN: No, the money -- It has always been argued by Stans

-- came from pre-convention

PRESIDENT: Pre-convention.

DEAN: for the -- and pre-primary for the, for the, uh,

PRESIDENT: That's right.

DEAN: '68 race.

PRESIDENT: That's right.

DEAN: It was just set aside.

PRESIDENT: That's right.

DEAN: Uh, that, that all can be explained. I think that the --

PRESIDENT: All right. How do your other vulnerabilities go together?

DEAN: The other vulnerabilities: We've got a, uh, runaway
Grand Jury up in the Southern District.

PRESIDENT: Yeah. I heard.

DEAN: They're after Mitchell and Stans on some sort of bribe
or influence peddling

PRESIDENT: On Vesco.

DEAN: with Vesco.

PRESIDENT: Yeah.

DEAN: Uh, they're also going to try to drag Ehrlichman into that. Apparently, Ehrlichman had some meetings with Vesco, also. Uh, Don Nixon, Jr., came in to see John a couple of times, uh, about the problem.

PRESIDENT: Not about the complaint.

DEAN: That, there's, uh -- the fact of the matter is --

PRESIDENT: [Unintelligible] about a job.

DEAN: That's right. And, and, and, uh, I --

PRESIDENT: We're, is it -- Ehrlichman's totally to blame on that.

DEAN: Yeah, well, I think the White House --

PRESIDENT: [Unintelligible]

DEAN: No one has done anything for --

PRESIDENT: -- Vesco. Matter of -- not for the prosecutor.

DEAN: No. [Coughs] The, uh --

PRESIDENT: Would Ehrlichman, incidentally, have to appear there?

DEAN: Before that Grand Jury? Yes. He could very well.

PRESIDENT: Uh, we couldn't presume immunity there?

DEAN: Not really. Uh, criminal charge --

PRESIDENT: Criminal charge -- Yeah, well [unintelligible] charge [unintelligible]. Go ahead.

DEAN: Right. That's a little different. [Clears throat] I think that would be dynamite to defend, uh

PRESIDENT: Yeah.

DEAN: against that.

PRESIDENT: Also, he, he distinguishes it. He says, "It's a criminal charge; I'll be glad to go up." Use the Flanigan

DEAN: Right.

PRESIDENT: analogy.

DEAN: Right, uh, [clears throat] well that's, that's pretty much the overall picture, and probably the most troublesome thing -- well the Segretti thing. Let's get down to that. I think, Bob has indicated to me he told you a lot of, of it, that he, indeed, did authorize it. He didn't authorize anything like ultimately evolved.

PRESIDENT: Yeah.

DEAN: He was aware of it. He was aware that Chapin and Strachan were looking for somebody.

PRESIDENT: Yeah.

DEAN: Again, this is one that, uh, it is potential that Dwight Cha--, Chapin could have a felony charge against him in this, because he's --

PRESIDENT: Felony?

DEAN: Felony, because he has to, he has to disprove a negative. The negative is that he didn't control and direct Segretti.

PRESIDENT: Would the felony be in perjury again? Or --

DEAN: Uh, no, the felony this in this instance being a potential use of the, one of the civil rights statutes, for anybody who interferes with a candidate for, uh, national office -- no, in--,interferes with their campaign in any way.

PRESIDENT: Why isn't that a civil rights statute used to pick up any of these clowns that were demonstrating against us, then?

DEAN: Well, I have, I've, I've argued that they use that for that very purpose. Uh --

PRESIDENT: Really?

DEAN: Yes, I have. And, uh --

PRESIDENT: We were, those were, uh, that was interfering with the campaign.

DEAN: That's exactly right. Exactly right. But they --

PRESIDENT: Segretti -- But I think, uh, I'm not as concerned about that because it's so bad the way it's been put out on the PR side, then I think it will eventually end up on the PR side very confused. And it'll look bad when that's attributed, but I don't, I can't see the criminal thing, but I may be wrong.

DEAN: Well here, what really, what really bothers me is that this, this growing situation. As I say, it is growing because of the, the continued need to provide support for the

PRESIDENT: Right.

DEAN: Watergate people who are going to

PRESIDENT: Yeah.

DEAN: hold us up for everything they've got,

PRESIDENT: That's right.

DEAN: and the need for some people to perjure themselves as they go down the road here. Uh, if this thing ever blows, and we're in a cover-up situation, I think it'd be extremely damaging to you, uh, and, uh, the, uh --

PRESIDENT: Sure.

DEAN: Uh --

PRESIDENT: The whole concept of Administration justice

DEAN: That's right, uh --

PRESIDENT: We cannot have --

DEAN: That's what really troubles me. For example, what happens if it starts breaking, and they do find a criminal case against a Haldeman, a Dean, a Mitchell, an Ehrlichman? Uh, that is --

PRESIDENT: Well if it really comes down to that, we cannot, maybe -- We'd have to shed it in order to contain it again.

DEAN: [Clears throat] That's right. I'm coming down to the, what I really think is that, that, Bob and John and John Mitchell and I should sit down and spend a day, or however long, to figure out (1) how this can be carved away from you, so it does not damage you or the Presidency. 'Cause it just can't. And

it's not something, it, you're not involved in it and
it's something you shouldn't --

PRESIDENT: That is true.

DEAN: I know, sir, it is. Well I can just tell from our conversations that, you know, these are things that you have no knowledge of.

PRESIDENT: The absurdity of the whole damned thing,

DEAN: But it --

PRESIDENT: bugging and so on. Well, let me say I am keenly aware of the fact that, uh, Colson, et al., and so forth, were doing their best to get information and so forth and so on. But they all knew very well they were supposed to comply with the law.

DEAN: That's right.

PRESIDENT: No question.

DEAN: Uh --

PRESIDENT: [Unintelligible] you think -- you feel that really the man, the trigger man was Colson on this then?

DEAN: Well, no, he was one of s--, he was just in the chain. He

was, he helped push the thing.

PRESIDENT: Called [unintelligible] and said, "We've got a, we've got a good plan." I don't know what the Christ he would be doing. Oh, I'll bet you. I know why. That was at the time of ITT. He was trying to get something going there because ITT, they were bugging us. I mean they were

DEAN: Right.

PRESIDENT: giving us hell.

DEAN: Well, I know, I know he used, uh,

PRESIDENT: Hunt to go out there?

DEAN: Hunt.

PRESIDENT: I knew about that.

DEAN: Yeah.

PRESIDENT: I did know about it. Uh, I knew that there was, there was something going on there,

DEAN: Right.

PRESIDENT: but I didn't know it was Hunt.

DEAN: Right. Uh, that's what re-- , what really troubles me is, you know, (1) will this thing not break some day and

PRESIDENT: Yeah.

DEAN: the whole thing -- domino situation,

PRESIDENT: Yeah.

DEAN: you know, they just, I think if it starts crumbling,
fingers will be pointing. And,

PRESIDENT: That's right.

DEAN: uh,

PRESIDENT: That's right.

DEAN: Bob will be accused of things he has never heard of

PRESIDENT: Yeah.

DEAN: and then he'll have to disprove it, and it'll just get
nasty and it'll be a

PRESIDENT: Yeah.

DEAN: real, uh,

PRESIDENT: Yeah.

DEAN: real bad situation. And the person who will be hurt
by it most will be you and

PRESIDENT: Of course.

DEAN: the Presidency, and I just don't think --

PRESIDENT: First, because I am expected to know this, and I am
supposed to, supposed to check these things. And so forth

DEAN: That's right.

PRESIDENT: and so on. But let's, let's, let's come back. Go further.
Sure. Yes indeed. But what are your feelings, yourself,
John? You know pretty well what they all say. What are
your feelings about the options?

DEAN: I am not confident that, uh, we can ride through this.
I think there are t--, I think there are soft spots.

PRESIDENT: You used to feel comfortable.

DEAN: Well, I feel, I felt, I felt comfortable for this reason.
I've noticed of recent -- since the publicity has increased
on, on this thing again, with the Gray hearings, that
everybody is now starting to watch out for their own behind.
Uh --

PRESIDENT: That's right.

DEAN: Everyone's pulling in. They're getting their own counsel.
More counsel are getting

PRESIDENT: Right.

DEAN: involved.

PRESIDENT: Right.

DEAN: Uh, you know, "How do I protect my ass?"

PRESIDENT: Well, they're scared.

DEAN: They're scared and that's just, you know, that's bad.
We were able to hold it for a long time.

PRESIDENT: Yeah, I know.

DEAN: Uh, another thing is, you know, my facility now to deal
with the multitude of people I have been dealing with
has been hampered because of Gray's blowing me up into
the front page.

PRESIDENT: Your cover is broken.

DEAN: That's right and it's with, it was --

PRESIDENT: [Unintelligible] cover. All right. Now. So on. So, so
what you really come down to is, what in the hell, in the
hell will you do? Let's, let us suppose that you and
Haldeman and Ehrlichman and Mitchell say, uh, "We can't
hold this." What, what then are you going to say? Are
you going to put out a complete disclosure? Isn't that
the best plan?

DEAN: Well, one way to do it is to --

PRESIDENT: That'd be my view on it.

DEAN: One way to do it is for you to in-- , tell the Attorney General that you finally, you know, really, this is the first time you are getting all the pieces together. Uh --

PRESIDENT: Ask for another grand jury?

DEAN: Ask for another grand jury. The way it should be done though, is a way that -- for example, I think that we could avoid, uh, criminal liability for countless people and the ones that did get it, it could be minimal.

PRESIDENT: How?

DEAN: Well, I think by just thinking it all through first as to how, you know, some people could be granted immunity, uh --

PRESIDENT: Like Magruder?

DEAN: Yeah. To come forward. Uh, but some people are going to have to go to jail. That's the long and short of it, also.

PRESIDENT: Who? Let's talk about that.

DEAN: All right. Uh, I think I could, for one.

PRESIDENT: You go to jail?

DEAN: That's right.

PRESIDENT: Oh, hell no. I can't see how you can. But I -- no,

DEAN: Well, because --

PRESIDENT: I can't see how, that -- Let me say I can't see how a legal case could be made against you, J--, uh, John.

DEAN: It'd be, it'd be tough but, you know, uh,

PRESIDENT: Well.

DEAN: I can see people pointing fingers, you know, to get it out of their own, put me in the impossible position, disproving too many negatives.

PRESIDENT: Oh, no. Uh, let me say I -- not because you 're here -- But just looking at it from a cold legal standpoint: you are a lawyer, you were a counsel -- you were doing what you were doing as a counsel, and you were not, uh,

DEAN: [Clears throat]

PRESIDENT: doing anything like that. You mean -- What would you go to jail on, [unintelligible]?

DEAN: The obstruct--, the obstruction of justice.

PRESIDENT: The obstruction of justice?

DEAN: That's the only one that bothers me.

PRESIDENT: Well, I don't know. I think that one. I think that, I feel, could be cut off at the pass. Maybe the obstruction of justice --

DEAN: It could be a -- you know how -- one of the -- that's, that's why -- [sighs]

PRESIDENT: Sometimes it's well to give them

DEAN: [Sighs]

PRESIDENT: something, and then they don't want the bigger fish then.

DEAN: That's right. I think that, uh, I think that with proper coordination with the Department of Justice, Henry Petersen is the only man I know bright enough and knowledgeable enough in the criminal laws and the process that could really tell us how this could be put together so it did the maximum to carve it away with a minimum damage to individuals involved.

PRESIDENT: Petersen doesn't know

DEAN: That's what I think.

PRESIDENT: the whole story?

DEAN: No, I know he doesn't now. I know he doesn't now. I am talking about somebody who I have over the years grown to

have enough faith in. [Clears throat] It's possible that he'd have to, he'd have to, uh--- put him in a very difficult situation as the Head of the Criminal Division of the United States Department of Justice, and the oath of office --

PRESIDENT: Tell me -- Talking about your obstruction of justice role, I don't see it. I can't see it. You're --

DEAN: Well, I've been a con-- , I have been a conduit for information on, on taking care of people out there who are guilty of crimes.

PRESIDENT: Oh, you mean like the uh, oh-- the blackmail.

DEAN: The blackmail. Right.

PRESIDENT: Well, I wonder if that part of it can't be -- I wonder if that doesn't -- let me put it frankly: I wonder if that doesn't have to be continued?

DEAN: [Clears throat]

PRESIDENT: Let me put it this way: Let us suppose that you get, you, you get the million bucks, and you get the proper way to handle it, and you could hold that side.

DEAN: Uh huh.

PRESIDENT: It would seem to me that would be worthwhile.

DEAN: [Clears throat]

PRESIDENT: Now we have

DEAN: Well, that's, yeah that's --

PRESIDENT: one problem; you've got a problem here. You have the
problem of Hunt and, uh, his, uh, his clemency.

DEAN: That's right. And you're going to have the clemency
problem for the others. They all would expect to be out
and that may put you in a position that's just

PRESIDENT: Right.

DEAN: untenable at some point. You know, the Watergate Hearings
just over, Hunt now demanding clemency or he is going to
blow. And politically, it'd be impossible for, you
know, you to do it. You know, after everybody --

PRESIDENT: That's right.

DEAN: I am not sure that you will ever be able to deliver on
the clemency. It may be just too hot.

PRESIDENT: You can't do it till after the '74 elections,
that's for sure. But even then

DEAN: [Clears throat]

PRESIDENT: your point is that even then you couldn't do it.

DEAN: That's right. It may further involve you in a way you
shouldn't be involved in this.

PRESIDENT: No it's wrong; that's for sure.

DEAN: Well, whatever -- you know I -- there've been some bad
judgments made. There've been some necessary judgments
made. Uh --

PRESIDENT: Before the election.

DEAN: Before the election and, in a way, the necessary ones, you
know, before the election. There -- you know, we've, this
was

PRESIDENT: Yeah.

DEAN: -- to me there was no way

PRESIDENT: Yeah.

DEAN: that, uh --

PRESIDENT: Yeah.

DEAN: But to burden this second Administration

PRESIDENT: We're all in on it.

DEAN: was something that -- It's something that is not going to go away.

PRESIDENT: No it isn't.

DEAN: It is not going to go away, sir.

PRESIDENT: Not going to go away, it is -- the idea that, uh, that, uh, well, that, uh, that people are going to get tired of it and all that sort of thing --

DEAN: Anything will spark it back into life. It's got to be, uh, it's got to be --

PRESIDENT: Well, it's too much to the partisan interest of others to spark it back into life.

DEAN: And it seems to me the only way that --

PRESIDENT: Who else, though? Let's, let's leave you and -- I don't, I don't, I don't think on the, on, uh, on the obstruction of justice thing -- I think that one we can handle. I, I don't know why I feel that way, but I --

DEAN: Well, it is possible that I --

PRESIDENT: I, I think you may be overplaying, but who else, uh, who else, who else do you think has, uh --

DEAN: Potential criminal liability?

PRESIDENT: Yeah.

DEAN: I think Ehrlichman does. I think that, uh, -- I think --

PRESIDENT: Why Ehrlichman? What'd he do?

DEAN: Because this conspiracy to burglarize the, uh, uh,
Ellsberg office.

PRESIDENT: You mean -- that, that is, provided Hunt breaks.

DEAN: Well, uh, the, the funny -- let me say something
interesting about that. Within the files --

PRESIDENT: Oh, I saw that. The picture.

DEAN: Yeah, the picture. That, see, that's not all that
buried. And, while we can, we've got -- I think we've got
it buried, there is no telling when it's going to pop
up. Uh, the Cubans, uh, could start this whole thing. Uh,
when the Ervin Committee starts running down why this
mysterious telephone was here at the White House, uh, listed
in the name of a secretary -- one of these, some of these
secretaries have a little idea about this, and they can be
broken down just

PRESIDENT: Sure.

DEAN: so fast. That's another thing I missed, missed in the cycle -- in the circle. Uh, Liddy's secretary, for example, is knowledgeable. Magruder's secretary is knowledgeable.

PRESIDENT: Sure.

DEAN: Uh --

PRESIDENT: So Ehrlichman on the, uh --

DEAN: But what I am coming to you today with is: I don't have a plan of how to solve it right now, but I think it's at the juncture that we should begin to think in terms of, of how to cut the losses; how to minimize the further growth of this thing, rather than further compound it by, you know, ultimately paying these guys forever.

PRESIDENT: Yeah.

DEAN: I think we've got to look --

PRESIDENT: But at the moment, don't you agree that you'd better get the Hunt thing? I mean, that's worth it, at the moment.

DEAN: That, that's worth buying time on, right.

PRESIDENT: And that's buying time on, I agree.

DEAN: Uh, the, the Grand Jury is going to reconvene next week after Sirica sentences. Uh, but that's why I think that, you know, that -- John and Bob have met with me. They've never met with Mitchell on this. We've never had a real down and out with everybody that, uh, has the most to lose. And the most -- and it is the most danger for you to have them have criminal liability. I think Bob has a potential criminal liability, frankly. I think -- in other words, a lot of these people could be indicted. They might never,

PRESIDENT: Yeah.

DEAN: might never, uh, be convicted; but just the thought of

PRESIDENT: Suppose --

DEAN: indictments --

PRESIDENT: Suppose that they are indicted in this. Suppose --

DEAN: I think that would be devastating.

PRESIDENT: Suppose the worst -- that Bob is indicted and Ehrlichman is indicted. And I must say, maybe we just better then try to tough it through. You get my point.

DEAN: That's right. That --

PRESIDENT: If, if, if, for example, our,uh, our -- say, well, let's cut our losses and you say we're going to go down the road, see if we can cut our losses, and no more blackmail and all the rest, and the thing blows and they indict Bob and the rest. Jesus, you'd never recover from that, John.

DEAN: That's right.

PRESIDENT: It's better to fight it out instead. You see, that's the other thing, the other thing. It's better just to fight it out, and not let people testify, so forth and so on. Now, on the other hand, we realize that we have these weaknesses -- that, uh, we, we've got this weakness in terms of -- blackmail.

DEAN: It's -- what -- if we, you know, there, there are two routes, you know: One is to figure out how to cut the losses and, and, and minimize the, the human impact and get you up and out

and away from it, in any way, uh, in, in a way that would never come back to haunt you. Uh, that is one, one general alternative. The other is to go down the road, just hunker down, fight it at every corner, every turn, uh, don't let people testify, cover it up is what we're really talking about. Just keep it buried, and just hope that we can do it, hope that we make good decisions at the right time, and keep our heads cool, uh, we make the right moves, uh --

PRESIDENT: And just take the heat.

DEAN: And just take the heat.

PRESIDENT: Now, with the second line of attack. You discussed this though I do want you to still consider my scheme of having --, you brief the Cabinet, just in very general terms, and the leaders -- very general terms -- and maybe some, some very general statement with regard to my investigation. Answer questions, and to, and to basically on the question of what they told you, not what you know.

DEAN: Right.

PRESIDENT: Haldeman is not involved. Ehrlichman --

DEAN: Oh, I can -- you know -- if, if we go that route, sir,
I can, I can give a show that, you know, there's, uh,
we can sell, you know, just about like we were selling
Wheaties on our position. There's no --

PRESIDENT: The problem that you have are these, uh, mine fields down
the road. I think the most difficult problem is the, are
the, are the, are the guys that are going to jail. I
think you're right about that. I agree. Now. And also
the fact that we're not going to be able to give them
clemency.

DEAN: That's right. How long will they take -- How long will
they sit there? I don't know. We don't know what they
will be sentenced to. There's always a chance --

PRESIDENT: Thirty years, isn't it? Maximum?

DEAN: It could be. You know, they haven't announced yet, but
it, uh --

PRESIDENT: Isn't that what the potential is?

DEAN: Uh, it's even higher than that. It's about fifty years,
with all the --

PRESIDENT: So ridiculous.

DEAN: Oh. Well, you know, what's so incredible is, the,
these fellows who, who sh--

PRESIDENT: People break and enter, and so forth, and get two years.

DEAN: Well, the other thing --

PRESIDENT: No, no weapons. No results. What the hell are they
talking about?

DEAN: The, the individuals who are charged with shooting John
Stennis are on the street. They were given, you know,
uh, one was put out on his personal recognizance rather
than bond. They've got these fellows all stuck with
hundred thousand dollar bonds. The same judge -- Sirica --
let one guy, who, who's [laughs] charged with shooting
a United States Senator, out on the street.

PRESIDENT: Sirica did?

DEAN: Yeah. It's just, it's phenomenal.

PRESIDENT: What is the matter with him? I thought he was a hard-
liner judge.

DEAN: He's a, he is just a, a peculiar animal, and, uh, he set,
set the bond for one of the others -- I don't have all

the facts, but he set the bond for one of the others -- somewhere around fifty or sixty thousand dollars. But still, that guy is in, but -- didn't make bond -- but, you know, sixty thousand dollars as opposed to a hundred thousand dollars for these guys is phenomenal.

PRESIDENT: When could you have this meeting with these fellows, as I think that time is of the essence, in my opinion.

DEAN: [Clears throat]

PRESIDENT: Could you do it this afternoon?

DEAN: Well, Mitchell isn't here, and --

PRESIDENT: Tomorrow?

DEAN: It might be, might be worth it to have him come down. And, now, I think that Bob and John did not want to talk to, to John about this, John Mitchell. And I don't believe they've had any conversations with him about it.

PRESIDENT: Well, let me get Haldeman in here now.

DEAN: Bob and I have talked about just what we're talking about this morning. I told him I thought that you should have the facts, and he agrees. 'Cause we've got some tough calls down the road if we --

PRESIDENT: Let me say, though that Hunt [unintelligible] hard line, and that a convicted felon is going to go out and squeal about this [unintelligible] decision [unintelligible] turns on that.

DEAN: Well, we can always, you know, on the other side, we can always charge them with blackmailing us, and it's, you know, this is absurd stuff they're saying, and --

PRESIDENT: That's right. You see, even the way you put it out here, of course if it all came out, it may never, it may not -- never, never get there.

[Haldeman enters the room.]

PRESIDENT: I was talking to John about this, uh, this whole situation, and I think we, uh, so that we can get away from the bits and pieces that have broken out. He is right in having -- in, in, uh, recommending that, that, uh, that there be a meeting at the very first possible time. Ehrlichman, and now Ehrlichman's gone on to California but, uh, is today, uh -- is tomorrow Thursday?

HALDEMAN: Uh, he -- John doesn't go until Friday.

DEAN: Friday --

PRESIDENT: Well, in any event, could we do it Thursday? This meeting? This meeting -- you can't do it today, can you?

DEAN: I don't think so. I was suggesting a meeting with
Mitchell --

PRESIDENT: Mitchell, Ehrlichman, yourself and Bob, that's all.
Now, Mitchell has to be there because, uh, uh, he is
seriously involved and, uh, we're trying to keep, uh,
we've got to see how we, uh, how we handle it from
here on. We are in the process of having to determine
which way to go and, uh, John has thought it through
as well as he can. I do, I don't want Moore there on this
occasion.

DEAN: No.

PRESIDENT: You haven't told Moore all of this, have you?

DEAN: Moore's got, uh, by being with me, has more bits and
pieces. I've had to give him

PRESIDENT: Right.

DEAN: because he is making

PRESIDENT: Right.

DEAN: judgments that, uh --

PRESIDENT: Well, the point is, once you get down to the PR, once
you decide what you're going to do, then we can let him

know, and so forth and so on. But it is the kind of thing -- I think what really has to happen is for you to sit down with those three and for you to tell them exactly what you told me.

DEAN: Uh huh.

PRESIDENT: It may take him about thirty-five or forty-five minutes. In other words he knows, John, uh, uh, knows about everything and also what all the, uh, what all the potential criminal liabilities are, you know, whether it's uh -- what's it like that thing -- what about, uh, obstruction --

DEAN: Obstruction of justice. Right.

PRESIDENT: So forth and so on. And, uh, the, uh -- I think, I think that's -- Then we've got to, uh, see what the line is. Whether the line is one of, uh, continuing to, uh, run a, try to run a total stonewall, and take the heat from that, uh, having in mind the fact that, uh, there are vulnerable points there; the vulnerable points being, that, well, the first vulnerable points would be obvious: In other words, it would be if, uh, uh, one of the, uh, defendants, particularly Hunt, of course, who is the most vulnerable in my opinion, might, uh, blow the whistle, and he, he -- and his price is pretty high, but at least, uh, we should, we should

buy the time on that, uh, as I, as I pointed out to John.

Apparently -- Who, who is dealing with Hunt at the moment now that Colson's [unintelligible]

DEAN: Well, uh, Mitchell's lawyer and, uh,

PRESIDENT: Colson's lawyer [unintelligible]

DEAN: Colson's lawyer, both.

PRESIDENT: familiar with him. Hunt has at least got to know before he is sentenced, that he's --

HALDEMAN: Who's Colson's lawyer? [Characterization deleted] in his law firm?

DEAN: Shapiro. Right. Who lied to the, you know, who just -- The other day he came up and --

HALDEMAN: Colson's told him everything, hasn't he?

DEAN: Yup, I gather he has. Uh, the other thing that bothered me about that is that he's, uh, a chatter. He came up to Fred Fielding, of my office, at Colson's going away party. I didn't go over there. It was over at the Blair House the other night. And he said to, uh, Fred, he said, "Well, Chuck has had some mighty serious words with, uh, his, his friend Howard and had some mighty serious messages back." Now, you know, what's a lawyer -- how does he know what Fielding knows? 'Cause Fielding knows virtually nothing. [Laughs]

PRESIDENT: Well, anyway.

HALDEMAN: That's, that's where your dangers lie, is in all these stupid

human errors developing.

PRESIDENT: That's very --

DEAN: That's -- that --

PRESIDENT: Well, the point is Bob, let's face it, the secretaries know; the assistants know. There's a lot of the, many of the damn principals may be hard as a rock, but you never know when they're going to crack. But, so, we'll see, we'll see. First you've got the Hunt problem. That ought to be handled.

DEAN: Yeah.

PRESIDENT: Uh, incidentally, I do not think Colson should sit in this meeting. Do you agree?

DEAN: No. I would agree.

PRESIDENT: Okay. Uh, how then -- Who does sit and talk to Colson? Because somebody has to, shouldn't we talk to --?

DEAN: Chuck, uh --

PRESIDENT: -- talks too much.

DEAN: [Sighs] I, I, you know, I like Chuck, [laughs] but, uh, I don't want Chuck to know anything that I'm doing, frankly.
[Laughs]

PRESIDENT: All right.

HALDEMAN: I think that's right. I, I think you want to be careful

not to give Chuck any more knowledge than he's already got.

DEAN: That's right.

PRESIDENT: Sure. Well --

DEAN: I wouldn't want Chuck to even know of the meeting, frankly.

PRESIDENT: Fortunately, fortunately, with Chuck it is very -- I, I talk to him about many, many political things, but I never talk about this sort of thing 'cause he's, uh, he's very harmful. I mean I don't think -- he must be damn sure I don't know anything. And I don't. In fact, I'm rather surprised at what you told me today. From what you said, I gathered the impression, and of course your, your, your analysis does not for sure, uh, indicate that Chuck knew that it was a bugging operation for certain.

DEAN: That's correct. I don't have --

PRESIDENT: On the other hand, on the other hand that,

DEAN: Chuck, Chuck denies that --

PRESIDENT: On the other hand, the other side of that is that Hunt had conversations with Chuck, and it may be that Hunt told Chuck that it was bugging, and so forth and so on.

DEAN: Uh huh.

PRESIDENT: Is that correct?

DEAN: Uh huh. They were very close. They, they talked too much, uh, about too many things.

PRESIDENT: Yeah.

DEAN: They were intimate on this sort of -- [coughs]

HALDEMAN: Well then Chuck --

PRESIDENT: There's another thing you can't --

HALDEMAN: Chuch has a problem. Chuck loves,

PRESIDENT: Yeah.

HALDEMAN: he loves what he does.

PRESIDENT: Yeah.

HALDEMAN: He likes to talk about it.

PRESIDENT: He also is a name dropper. Chuck might have gone around and talked to Hunt and said, "Well, I was talking to the President, and the President feels we ought to get information about this, or that or the other thing," and so forth, and so on.

DEAN: Well, Liddy is the same way, and --

PRESIDENT: I have talked to, I have talked to -- this and that and the other thing. I, I have never talked to anybody, but I have talked to Chuck and John and the rest and I am sure that Chuck may have, Chuck might have even talked to Hunt along those lines.

HALDEMAN: I would -- Well, anything could happen. I would doubt that.

DEAN: I would doubt that too.

HALDEMAN: I don't think he would. Uh, Chuck is a name dropper in one sense, but not in that sense.

PRESIDENT: Well, then do you think --

HALDEMAN: I think he very carefully keeps the President out of things

PRESIDENT: Right.

HALDEMAN: except when he's doing it, when he's very intentionally bringing the President in for, for the President's purposes.

PRESIDENT: He had the impression though, apparently, that he, he was the, as it turns out, really is the trigger man. Uh, may of damn well have been the trigger man where he just called up and said, "Now look here Jeb, go ahead and get that information." And [unintelligible] got to be a decision on it at that time. This is February.

DEAN: Yes, sir, I figure it was somewhere --

PRESIDENT: It must be the -- I -- it must have been after --

DEAN: This was the call to Magruder from Colson saying, "Fish or cut bait." Hunt and Liddy were in his office.

HALDEMAN: In Colson's office?

DEAN: In Colson's office. And he called Magruder and said, "Let's

fish or cut bait on this operation. Let's get it going."

HALDEMAN: Oh, really?

DEAN: Yeah. This is -- Magruder tells me this.

HALDEMAN: Of course. That --

PRESIDENT: Well on the other hand --

HALDEMAN: Now wait, Magruder testified [unintelligible]

[Several voices]: [Unintelligible]

DEAN: Chuck, Chuck also told me that, uh, Hunt and Liddy were in his office and he made a call.

HALDEMAN: Oh, okay.

DEAN: So it did, it was corroborated [laughs] by the, the principal.

HALDEMAN: Hunt and Liddy haven't told you that, though?

DEAN: No.

HALDEMAN: You haven't talked to Hunt and Liddy?

DEAN: I talked to Liddy once, right after the incident.

PRESIDENT: That's right, but not -- all right. The point is, the point is this, that, uh, it's now time, though, to, uh, that Mitchell has got to sit down, and know where the hell all this

thing stands, too. You see, John is concerned, as you know, Bob, about, uh, Ehrlichman, which, uh, worries me a great deal because it's a, uh, it -- and it, and this is why the Hunt problem is so serious, uh, because, uh, it had nothing to do with the campaign.

DEAN: Right, it, uh --

PRESIDENT: Properly, it has to do with the Ellsberg thing. I don't know what the hell, uh --

HALDEMAN: But why --

PRESIDENT: Yeah. Why -- I don't know.

HALDEMAN: What I was going to say is --

PRESIDENT: What is the answer on that? How do you keep that out? I don't know. Well, we can't keep it out if Hunt -- if -- You see the point is, it is irrelevant. Once it has gotten to this point --

DEAN: You might, you might put it on a national security ground, basis, which it really, it was.

HALDEMAN: It absolutely was.

DEAN: And just say that, uh,

PRESIDENT: Yeah.

DEAN: that this is not, you know, this was --

PRESIDENT: Not paid with CIA funds.

DEAN: Uh --

PRESIDENT: No, seriously. National security. We had to get
information for national security grounds.

DEAN: Well, then the question is, why didn't the CIA do it
or why didn't the FBI do it?

PRESIDENT: Because they were -- We had to do it, we had to do it on
a confidential basis.

HALDEMAN: Because we were checking them.

PRESIDENT: Neither could be trusted.

HALDEMAN: Well, I think

PRESIDENT: That's the way I view it.

HALDEMAN: that has never been proven. There was reason to question
their

PRESIDENT: Yeah.

HALDEMAN: position.

PRESIDENT: You see really, with the Bundy thing and everything coming out, the whole thing was national security.

DEAN: I think we can probably get, get by on that.

PRESIDENT: I think on that one, I think you'd simply say this was a national security investigation that was conducted. And the same with the drug field, with Krogh. Krogh could say I -- if Krogh were to -- if [unintelligible] feels that he [unintelligible], it was a national security matter. That's why --

DEAN: That's the way Bud rests easy, because he's, he's, he's convinced that he was doing it -- he said there was treason about the country,

PRESIDENT: Uh huh.

DEAN: and it could have threatened the way the war was handled.

PRESIDENT: Yeah.

DEAN: Uh, and by God --

HALDEMAN: Bud, Bud said this?

DEAN: Yes.

PRESIDENT: Well, Bud could say that and say this, it does involve -- It was a national security -- and I was not in a position to divulge it. Well, anyway, let's don't go beyond that. We're --

forget -- but I do think now we, uh, I mean, there is, there is a time, now, when you don't want to talk to Mitchell. He doesn't want to talk, and the rest. But John is right. There must be a, must be a four way talk here of the particular ones that we can trust here. Uh, we've got to get a decision on it. It's not something that -- you see you got two ways, basically. There are really only two ways you could go. You either decide the whole God damned thing is so full of problems with potential criminal liability which is what concerns me. I don't give a damn about the publicity. We could, we could rock that through, if we had to let the whole thing hang out. It would be a lousy story for a month. But I can take it. But the point is, I don't want any criminal liability. That's the thing that I am concerned about for members of the White House staff, and I would trust for members of the Committee. And that means Magruder.

DEAN: That's right.

PRESIDENT: Let's face it: he's the one that's, uh -- I think Magruder is the major guy over there.

DEAN: I think he's got the most serious problem.

PRESIDENT: Yeah.

HALDEMAN: Well, then we talked about yesterday, you've got a, you got a question where your cut off point is. There is a possibility of cutting it at Liddy, where you are now.

PRESIDENT: Yeah.

HALDEMAN: But to accomplish that requires --

PRESIDENT: Requires what?

HALDEMAN: Requires continued perjury by Magruder.

PRESIDENT: Yeah. And it requires total

DEAN: -- commitment --

PRESIDENT: control, got total, got total control over all of the defendants, which -- in other words [unintelligible]

DEAN: The basic position --

HALDEMAN: They don't know anything beyond Liddy.

DEAN: Uh, no. Other than the fact, other than the fact that Liddy, they have hearsay, uh --

HALDEMAN: But we don't know about Hunt. Maybe Hunt has it tied in to Colson. We don't know that, though, really.

DEAN: No.

PRESIDENT: I think Hunt knows a hell of a lot more.

DEAN: Yeah, I do too. And, now what McCord --

HALDEMAN: You think he does? I am afraid you're right, but, uh,
we don't know that.

PRESIDENT: I don't think -- [laughs] I think we better assume it.
I think Colson --

DEAN: And he's playing hard ball, and he wouldn't play hard --

HALDEMAN: Is he?

DEAN: Yeah. He wouldn't play hard ball unless he were pretty
confident that he could cause an awful lot of grief.

HALDEMAN: Really?

DEAN: Yeah.

PRESIDENT: He is playing hard boiled ball with regard to Ehrlichman,
for example, and that sort of thing. He knows what he's
got.

HALDEMAN: What's he planning on, money?

DEAN: Yeah, money and --

HALDEMAN: Really?

DEAN: Oh, yeah. He's uh --

PRESIDENT: It's a hundred and twenty thousand dollars. It's about what, about how much, which is easy. I mean, it's not easy to deliver, but it is easy to get. Uh, now, uh [nine seconds of silence]. If that, if what, if that, if that is the case, if it's just that way, then the thing to do is, if, if, the thing all, uh, cracks out -- if, if for, if, for example, you say look we're not, we're not going to continue to try to -- let's state it frankly, cut our losses -- that's just one way you could go -- on the assumption that we're, we, by continuing to cut our losses, we're not going to win. That in the end, we are going to be bled to death, and it's all going to come out anyway, and then you get the worst of both worlds. We are going to lose, and people are going to --

HALDEMAN: And look [unintelligible]

PRESIDENT: And we're going to look like we covered up. So that we can't do. Now. The other, the other, uh, the other line, however, uh, if you, if you take that line, that we're not going to continue to cut our losses, that means then we have

to look square in the eye as to what the hell those losses are, and see which people can -- so we can avoid criminal liability. Right?

DEAN: That's right.

PRESIDENT: And that means, we got to, we've got to keep it off of you, uh, which I, which I [unintelligible] obstruction of justice thing. We've got to keep it off Ehrlichman. We've got to keep it, naturally, off of Bob, off Chapin, if possible, and Strachan. Right?

DEAN: Uh huh.

PRESIDENT: And Mitchell. Right?

DEAN: Uh huh.

PRESIDENT: Now.

HALDEMAN: And Magruder, if you can. But that's the one you pretty much have to give up.

PRESIDENT: But, but Magruder, Magruder, uh, uh, John's, Dean's point is that if Magruder goes down, he'll pull everybody with him.

HALDEMAN: That's my view.

PRESIDENT: Is it?

HALDEMAN: Yup. I think Jeb, I don't think he wants to. And I think

he even would try not to, but I don't think he is able not to.

DEAN: I don't think he is strong enough, when it really --

HALDEMAN: Well, not that, not that --

PRESIDENT: Well, another way, another way to do it then, Bob, is to -- and John realizes this -- is to, uh, continue to try to cut our losses. Now we have to look at that course of action. First, it is going to require approximately a million dollars to take care of the jackasses that are in jail. That could be, that could be arranged.

HALDEMAN or
DEAN:

Yeah.

PRESIDENT: That could be arranged. But you realize that after we are gone, I mean, assuming these [unintelligible] are gone, they're going to crack, you know what I mean? And that'll be a unseemly story. Eventually, all the people aren't going to care that much.

DEAN: That's right. It's --

PRESIDENT: People aren't going to care.

DEAN: So much history will pass between then and now.

PRESIDENT: In other words, what we're talking about is no question. But the second thing is, we're not going to be able to deliver on, on any kind of a, of a clemency thing. You know Colson has gone around on this clemency thing with Hunt and the rest.

DEAN: Hunt, Hunt is now talking in terms of being out by Christmas.

HALDEMAN: This year?

DEAN: This year. Uh, he was told by O'Brien, who is my conveyor of doom back and forth,

HALDEMAN: Yeah.

DEAN: uh, that, uh, hell, he'd be lucky if he were out a year from now, after the Ervin hearings were, uh, you know, over. He said, "How in the Lord's name could you be commuted that quickly?" He said, "Well, that's my commitment from Colson."

HALDEMAN: By Christmas of this year?

DEAN: Yeah.

HALDEMAN: See that, that really, that's very believable 'cause Colson,

PRESIDENT: Do you think Colson could have told him --

HALDEMAN: Colson is an, is an -- that's, that's your fatal flaw, really, in Chuck, is he is an operator in expediency, and he will pay at the time and where he is

PRESIDENT: Yeah.

HALDEMAN: whatever he has to, to accomplish what he's there to do.

DEAN: Right.

HALDEMAN: And that's -- I, I would believe that he has made that commitment if Hunt says he has. I would believe he is capable of saying that.

PRESIDENT: The only thing you could do with him would be to parole him for a period of time because of his family situation. But you couldn't provide clemency.

DEAN: No, I -- Uh, Kleindienst has now got control of the parole board, and he said that now we can, we can pull paroles off now where we couldn't before. So --

PRESIDENT: Well, parole --

HALDEMAN: Yeah, but Kleindienst always tells you that, and then never delivers.

PRESIDENT: Parole, parole.

DEAN: Well, I mean --

PRESIDENT: Let's, let's talk candidly about that. Parole [unintelligible] in human terms, and so forth, is something that I think in Hunt's case, you could do Hunt, but you couldn't do the others. You understand?

DEAN: Well, so much depends upon how Sirica sentences. He can sor--, sentence, sentence in a way that, uh, makes parole even impossible.

PRESIDENT: Oh, he can?

DEAN: Sure. He can do all kinds of permanent sentences.

PRESIDENT: On this kind of thing?

DEAN: Yeah. He can be a, just a son-of-a-bitch, uh, as far as the whole thing.

HALDEMAN: Of course, can't you appeal on a, on an unjust sentence as well as on an unjust conviction?

DEAN: You've got sixty days to ask the judge to review it. There is no appellate review of sentences.

HALDEMAN: There isn't?

DEAN: Not that I --

PRESIDENT: The judge can review it, yeah.

HALDEMAN: Only the sentencing judge can review

PRESIDENT: Yeah.

HALDEMAN: his own sentence?

PRESIDENT: Coming back, though, to this. So you got that -- the, uh, hanging over. Now. If, uh -- you, you see, if you let it hang there, the point is you could let all or only part -- The point is, your feeling is that we just can't continue to,

to pay the blackmail of these guys?

DEAN: I think that's our greatest jeopardy.

HALDEMAN: Yeah.

PRESIDENT: Now, let me tell you, it's

DEAN: 'Cause that is --

PRESIDENT: no problem, we could, we could get the money. There is no problem in that. We can't provide the clemency. The money can be provided. Mitchell could provide the way to deliver it. That could be done. See what I mean?

HALDEMAN: But, Mitchell says he can't, doesn't he?

DEAN: Mitchell says that, uh -- Well, Mitch--, that's, it's, you know, there has been an interesting thing, uh, phenomena all the way along on this, is that there have been a lot of people having to pull oars and not everybody pulls them all the same time, the same way, because there develop self-interests.

HALDEMAN: What John is saying is that everybody smiles at Dean and says, "Well, you better get something done about it."

DEAN: That's right.

PRESIDENT: [Unintelligible]

HALDEMAN: And Mitch --, Mitchell is leaving Dean hanging out on a -- None

of us, well, maybe we're doing the same thing to you.

DEAN: That's right.

HALDEMAN: But I -- let me say that, that I don't see how there's any way that you can have the White House, or anybody presently in the White House, involved in trying to gin out this money.

DEAN: We are already deeply enough in that. That's the problem, Bob.

PRESIDENT: I thought you said you could handle the money?

DEAN: Well, in fact, that, uh, when --

PRESIDENT: Kalmbach?

DEAN: Well, Kalmbach, uh, was a --

HALDEMAN: He's not the one.

DEAN: No, but when they ran out of that money, as you know, they came after the three-fifty that was over here.

PRESIDENT: And they used that, right?

DEAN: And I had to explain what it was [laughs] for, uh, before I could get the money.

PRESIDENT: Well, you said --

DEAN: Now, they -- now, that -- they --

HALDEMAN: That was put, that was, that was -- in the first place,
that was put back to LaRue

DEAN: That's right.

HALDEMAN: where it belonged. It wasn't all returned in a lump sum.
It was put back in pieces.

DEAN: That's right.

PRESIDENT: And then LaRue used it for this other purpose?

DEAN: That's right.

PRESIDENT: Well, I think they can get that.

HALDEMAN: And the balance was all returned to LaRue.

DEAN: That's right.

HALDEMAN: The problem is we don't have any receipt for that, do we.
We have no way of proving that.

PRESIDENT: I [unintelligible]

DEAN: And I think, I think that was because, you know, of self-
interest over there. Mitchell would --

HALDEMAN: Mitchell told LaRue not to take it at all.

DEAN: That's right.

HALDEMAN: This is what you told me.

DEAN: That's right. And then you don't give them a receipt.

PRESIDENT: Well, then, but what happened? LaRue took it, and then what?

DEAN: Well, it was sent back to him because we just couldn't continue piecemeal giving, you know, I ask it -- Everytime I asked for it I had to tell Bob I needed some, or something like that,

PRESIDENT: Yeah.

DEAN: and he had to get Gordon Strachan to go up to his safe and take it out and take it over to LaRue.

PRESIDENT: Yeah.

DEAN: This was just a forever operation.

PRESIDENT: Then what -- Why didn't they take it all to him?

DEAN: I think it's sent over with him.

HALDEMAN: Well, we had been trying to get a way to get that money back out of here anyway.

PRESIDENT: Sure.

HALDEMAN: And what this was supposed to be was loans. This was

PRESIDENT: Yeah.

HALDEMAN: immediate cash needs that was going to be re --, replenished.
And Mitchell was arguing "You can't take the three-fifty
back till it's all replenished." Isn't that right?

DEAN: That's right. Well, uh, you know, we --

HALDEMAN: And then they never replenished it, so we just gave it all
back anyway.

PRESIDENT: I have a feeling we could handle this one. Well --

DEAN: Well, first of all, they'd have a hell of a time proving
it. Uh, that's one thing. Uh --

PRESIDENT: Yeah, yeah -- I just have a feeling on it. But let's now
come back to the money, a million dollars, and so forth and
so on. Let me say that I think you could get that in
cash, and I know money is hard, but, there are ways. That
could be [unintelligible]. But the point is, uh, what would
you do on that -- Let's, let's look at the hard facts.

DEAN: I mean, that's been very interesting. That has been, thus
far, the most difficult problem.

PRESIDENT: Why?

DEAN: They have been -- That's why these fellows have been on or

off the reservation all the way along.

PRESIDENT: So the hard place is this. Your, your feeling at the present time is the hell with the million dollars. In other words, you say to these fellows, "I am sorry, it is all off," and let them talk. Right?

DEAN: Well --

PRESIDENT: That, that's the way to do it, isn't it?

DEAN: That --

PRESIDENT: If you want to do it clean, [unintelligible]

DEAN: Then what --

PRESIDENT: come out.

HALDEMAN: See, then when you do it, it's a way you can live with. Because the problem with the blackmail, and that's the thing we kept raising with you when you said there's a money problem, when we need twenty thousand or a hundred thousand or something, was yeah, that's what you need today. But what do you need tomorrow and next year and five years from now?

PRESIDENT: How long?

DEAN: Well, that was just to get us through November seventh, though.

HALDEMAN: I recognize that's what we had to give

DEAN: Right.

HALDEMAN: to November seventh. There's no question.

DEAN: Except they could have sold -- these fellows could have sold out to the Democrats for a fantastic amount.

PRESIDENT: Yeah, these fellows -- But of course you know, these fellows though, as far as that plan was concerned.

HALDEMAN: But what is there?

PRESIDENT: As far as what happened up to this time, our cover there is just going to be the Cuban Committee did this for them up through the election.

DEAN: Well, yeah. We can put that together. That isn't, of course, quite the way it happened, but, uh --

PRESIDENT: I know, but it's the way it's going to have to happen.

DEAN: It's going to have to happen. [Laughs]

PRESIDENT: That's right. Finally, though, so you let it go. So what happens is then they go out and, uh, and they'll start blowing the whistle on everybody else. Isn't that what it really gets down to?

DEAN: Uh huh.

PRESIDENT: So that, that would be the, the clean way. Right?

DEAN: Uh --

PRESIDENT: Is that really you're -- you, you really go so far as to recommend that?

DEAN: That -- No, I wouldn't. I don't think, I don't think necessarily that's the cleanest way. One of the -- I think that's what we all need to discuss: is there some way that we can get our story before a grand jury, and, so that they can have, have really investigated the White House on this. I mean, and I must, I must be perfectly honest, I haven't really thought through that alternative. We've been, you know, been so busy

PRESIDENT: John,

DEAN: on the other containment situation.

PRESIDENT: John Ehrlichman, of course, has raised the point of another grand jury. I just don't know how you're going to do it. On what basis. I, I could call for it, but I --

DEAN: That would be, I would think, uh --

PRESIDENT: The President takes the leadership, and says "Now, in view of all this, uh, stripped land and so forth, I understand this,

but I, I think I want another grand jury proceeding and, and we'll have the White House appear before them." Is that right John?

DEAN: Uh huh.

PRESIDENT: That's the point, you see. That would make the difference. I want everybody in the White House called. And that, that gives you the, a reason not to have to go up before the [unintelligible] Committee. It puts it in a, in an executive session, in a sense.

HALDEMAN: Right.

PRESIDENT: Right.

DEAN: Uh, well --

HALDEMAN: And there'd be some rules of evidence, aren't there?

DEAN: There are rules of evidence.

PRESIDENT: Both evidence and you have lawyers.

HALDEMAN: So you are in a hell of a lot better position than you are up there.

DEAN: No, you can't have a lawyer before a grand jury.

PRESIDENT: Oh, no. That's right.

DEAN: You can't have a lawyer before a grand jury.

HALDEMAN: O.K., but you, but you, you do have rules of evidence.
You can refuse to, to talk.

DEAN: You can take the Fifth Amendment.

PRESIDENT: That's right. That's right.

HALDEMAN: You can say you forgot, too, can't you?

DEAN: Sure.

PRESIDENT: That's right.

DEAN: But you can't -- you're -- very high risk in perjury
situation.

PRESIDENT: That's right. Just be damned sure you say I don't

HALDEMAN: Yeah --

PRESIDENT: remember; I can't recall, I can't give any honest,
an answer to that that I can recall. But that's it.

HALDEMAN: You have the same perjury thing on the Hill, don't you?

DEAN: That's right.

PRESIDENT: Oh hell, yes.

HALDEMAN: And, and they'll be doing things on [unintelligible]

PRESIDENT: My point is, though --

HALDEMAN: which is a hell of a lot worse to deal with.

DEAN: That's right.

PRESIDENT: The grand jury thing has its, uh, uh, uh -- view of this they might, uh. Suppose we have a grand jury proceeding. Would that, would that, what would that do to the Ervin thing? Would it go right ahead anyway?

DEAN: Probably.

HALDEMAN: If you do it in executive --

PRESIDENT: But then on that score, though, we have -- let me just, uh, run by that, that -- You do that on a grand jury, we could then have a much better cause in terms of saying, "Look, this is a grand jury, in which, uh, the prosecutor --" How about a special prosecutor? We could use Petersen, or use another one. You see he is probably suspect. Would you call

DEAN: No --

PRESIDENT: in another prosecutor?

DEAN: I'd like to have Petersen on our side, advising us [laughs] frankly.

PRESIDENT: Frankly. Well, Petersen is honest. Is anybody about to be question him, are they?

DEAN: No, no, but he'll get a barrage when, uh, these Watergate hearings start.

PRESIDENT: Yes, but he can go up and say that he's, he's been told to go further in the Grand Jury and go in to this and that and the other thing. Call everybody in the White House. I want them to come, I want the, uh, uh, to go to the Grand Jury.

DEAN: This may result -- This may happen even without our calling for it when, uh, when these, uh --

PRESIDENT: Vesco?

DEAN: No. Well, that's one possibility. But also when these people go back before the Grand Jury here, they are going to pull all these criminal defendants back in before the Grand Jury and immunize them.

PRESIDENT: And immunize them: Why? Who? Are you going to -- On what?

DEAN: Uh, the U. S. Attorney's Office will.

PRESIDENT: To do what?

DEAN: To talk about anything further they want to talk about.

PRESIDENT: Yeah. What do they gain out of it?

DEAN: Nothing.

PRESIDENT: To hell with them.

DEAN: They, they're going to stonewall it, uh, as it now stands.
Except for Hunt. That's why, that's the leverage in
his threat.

HALDEMAN: This is Hunt's opportunity.

DEAN: This is Hunt's opportunity.

PRESIDENT: That's why, that's why,

HALDEMAN: God, if he can lay this --

PRESIDENT: that's why your, for your immediate thing you've got no
choice with Hunt but the hundred and twenty or whatever
it is. Right?

DEAN: That's right.

PRESIDENT: Would you agree that that's a buy time thing, you
better damn well get that done, but fast?

DEAN: I think he ought to be given some signal, anyway, to, to --

PRESIDENT: Yes.

DEAN: Yeah -- You know.

PRESIDENT: Well for Christ's sakes get it in a, in a way
that, uh -- Who's going to talk to him? Colson?

He's the one who's supposed to know him.

DEAN: Well, Colson doesn't have any money though. That's the thing. That's been our, one of the real problems. They have, uh, been unable to raise any money. A million dollars in cash, or, or the like, has been just a very difficult problem as we've discussed before. Apparently, Mitchell has talked to Pappas, and I called him last -- John asked me to call him last night after our discussion and after you'd met with John to see where that was. And I, I said, "Have you talked to, to Pappas?" He was at home, and Martha picked up the phone so it was all in code. "Did you talk to the Greek?" And he said, uh, "Yes, I have." And I said, "Is the Greek bearing gifts?" He said, "Well, I want to call you tomorrow on that."

PRESIDENT: Well, look, uh, what is it that you need on that, uh, when, uh, uh? Now, look [unintelligible] I am, uh, unfamiliar with the money situation.

DEAN: Well that, you know, it, it sounds easy to do, apparently, until, uh, everyone is out there doing it and that's where our breakdown has, has come every time.

PRESIDENT: Well, if you had it, where would you, how would you get it to somebody?

DEAN: Well, I, uh, I gather LaRue just leaves it in mail boxes and things like that, and tells Hunt to go pick it up. Someone phones Hunt and tells him to pick it up. As I say, we're a bunch of amateurs in that business.

HALDEMAN: That was the thing that we thought Mitchell ought to be able to know how to find somebody who could do all that sort of thing, because none of us know how to.

DEAN: That's right. You got to wash money and all that sort, you know, if you get a hundred thousand out of a bank, and it all comes in serialized bills, and --

PRESIDENT: Oh I understand.

DEAN: And that means you have to go to Vegas with it or a book-maker in New York City, and I've learned all these things after the fact, it's -- [laughs] Great shape for the next time around.

[Laughter]

HALDEMAN: Jesus.

PRESIDENT: Well, the main point, now, is the people who will need the money [unintelligible]. Well of course, you've got the surplus from the campaign. That we have to account for. But if there's any other money hanging around --

HALDEMAN: Well, but what about all the, what about the money we moved back out of the -- here?

DEAN: Apparently, there's some there. That might be what they can use. Uh, I don't know how much is left.

PRESIDENT: Kalmbach must have some, doesn't he?

DEAN: Kalmbach doesn't have a cent.

PRESIDENT: He doesn't?

DEAN: See the new law --

HALDEMAN: No, see that three-fifty that we moved out was all we saved. Because they were afraid to, because of this -- that's what I mean; that's the trouble: We are so God damned square that [laughs] we'd get caught. I mean --

PRESIDENT: Well, could I suggest that this though: uh, now, let me, let me, let me go back around -- [unintelligible]. They will then, uh --

HALDEMAN: Be careful --

PRESIDENT: The, uh, the Grand Jury thing has a feel. Question is uh, -- It, it at least says that we are cooperating

DEAN: Well --

PRESIDENT: with the Grand Jury.

DEAN: Once we, once we start down any route that involves
the criminal justice system,

PRESIDENT: Yeah.

DEAN: you, you've got to have full appreciation of there
is really no control over that.

PRESIDENT: No, sir.

DEAN: Uh, while we did, uh -- we had a, an amazing job of

PRESIDENT: Yeah, I know.

DEAN: keeping the thing on the track before

PRESIDENT: Straight.

DEAN: while the FBI was out there, all that -- and that was, uh,
only because

PRESIDENT: Right.

DEAN: I had a [unintelligible] of where they were going.

PRESIDENT: [Unintelligible]. Right. Right. But you haven't got
that now because everybody else is going to have a lawyer.
Let's take the new Grand

Jury. Uh, the new Grand Jury would call Magruder again, wouldn't it?

DEAN: But, based on what information it would? For example, what happens if Dean goes in and gives a story, you know, that here is the way it all came about. It was supposed to be a legitimate operation and it obviously got off the track. I heard of these horrors, told Haldeman that we shouldn't be involved in it.

PRESIDENT: Yeah. Right.

DEAN: Then Magruder's going to have to be called in and questioned about all those meetings again, and the like. And it begins to -- again he'll begin to change his story as to what he told the Grand Jury the last time.

PRESIDENT: Well --

DEAN: That way, he's in a perjury situation.

HALDEMAN: Except, that's the best leverage you've got on Jeb -- is that he's got to keep his story straight or he's in real trouble.

DEAN: That's right.

HALDEMAN: Unless they get smart and give him immunity. If they

immunize Jeb, then you have an interesting problem.

PRESIDENT: He wouldn't want --

DEAN: Well, I think we have,

HALDEMAN: [Unintelligible] immunity.

DEAN: we have control, we have control over who gets immunized.

HALDEMAN: Do we?

DEAN: Yeah, I think they wouldn't do that without our --

PRESIDENT: But you see, the Grand Jury proceeding [unintelligible] sort of thing, you can go down that road and then -- if -- if they had -- I'm just thinking of now how the President looks. We would be cooperating. We would be cooperating through a Grand Jury. Everybody would be behind us. That's the proper way to do this. It should be done through a grand jury, not up there in the kleig lights of the Committee, or --

DEAN: That's right.

PRESIDENT: Nobody's questioning if it's a grand jury, and so forth. So, and then we would insist on executive privilege before the Committee, flat out say, "No we won't do that. We're not going to do it. Matter before a grand jury," and

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that's that. You see --

HALDEMAN: All right, then you go to the next step. Would we then --
the Grand Ju--, the Grand Jury meet in executive session?

DEAN: Yes, sir, they're

PRESIDENT: Always --

DEAN: secret sessions, they're secret.

HALDEMAN: Secret session --

PRESIDENT: Secret --

HALDEMAN: All right, then would we agree to release our statement,
our Grand Jury transcripts?

DEAN: That's not, that's not for our -- We don't have the
authority to do that. That's up to the Court and the
Court, thus far, has not released the ones from the last
Grand Jury.

PRESIDENT: They usually are not.

DEAN: It would be highly unusual for a grand jury to come out.
What would happen is --

HALDEMAN: But a lot of the stuff from the Grand Jury came out.

PRESIDENT: Leaks. Well --

DEAN: It came out of the U. S. Attorney's Office,

PRESIDENT: Yeah.

DEAN: more than the, the Grand Jury. We don't know. Some of
the Grand Jurors may have leaked

PRESIDENT: Right, right.

DEAN: it, but they were --

PRESIDENT: Bob, it's not so bad. It's, that's just not the bad --
or the worst place. But --

HALDEMAN: Well, what I was, I was going the other way there. I was going to --
it might be to our interest to get it out.

PRESIDENT: Well, we, we could easily do that. Leak out certain stuff.
We could pretty much control that. We've got much more
control there. Now, the other possibility is not to go
to the Grand Jury. Then you've got three things. (1) You
just say, "The hell with it, we can't raise the money,
sorry Hunt, you can say what you want." And so Hunt blows
the whistle. Right?

DEAN: Right.

PRESIDENT: All right, if that happens, then that raises some possi-
bilities of other criminal -- because he is likely to say
a hell of a lot of things and he's certain to get Magruder
on it.

DEAN: It'll get Magruder. It'll start the whole FBI investigation going again.

PRESIDENT: Yeah. So, uh, what else -- it'll get Magruder; it could possibly get Colson. He's in that danger.

DEAN: That's right. Could get, uh --

PRESIDENT: Could get Mitchell. Maybe. No.

HALDEMAN: Hunt can't get Mitchell.

DEAN: I don't think Hunt can get Mitchell. Hunt's got a lot of hearsay.

PRESIDENT: Ehrlichman? He could on the other thing -- except Ehrlichman [unintelligible]

DEAN: Krogh, Krogh could go down in smoke. Uh --

PRESIDENT: Because Krogh, uh -- Where could anybody -- But on the other hand, Krogh just says he, uh, uh, Krogh says this is a national security matter. Is that what he says? Yeah, he said that.

DEAN: Yeah, but that won't sell, ultimately, in a criminal situation. It may be mitigating on sentences but it won't, uh, in the main matter --

HALDEMAN: Well, then that --

PRESIDENT: That's right. Try to look around the track. We have no choice on Hunt but to try to keep him --

DEAN: Right now, we have no choice.

PRESIDENT: But, but my point is, do you ever have any choice on Hunt? That's the point.

DEAN: [Sighs]

PRESIDENT: No matter what we do here now, John,

DEAN: Well, if we --

PRESIDENT: Hunt eventually, if he isn't going to get commuted and so forth, he's going to blow the whistle.

DEAN: What I have been trying to conceive of is how we could lay out everything we know [sighs] in a way that, you know, we've told the Grand Jury or somebody else, so that if a Hunt blows,

PRESIDENT: Yeah.

DEAN: so what's new? You know, it's already been told to a grand jury, and they found no criminal liability, and they investigated it in full. We're sorry fellow --

PRESIDENT: That's right.

DEAN: Uh, We don't, it doesn't --

PRESIDENT: Including Ehrlichman's use of Hunt on the other deal?

DEAN: That's right.

PRESIDENT: You'd throw that out?

DEAN: Uh, well, Hunt will go to jail for that too -- he's got to understand that.

PRESIDENT: That's the point too. I don't think that -- I wouldn't throw that out. I think I would limit it to -- I don't think you need to go into every God damned thing Hunt has done.

DEAN: No.

PRESIDENT: He's done some things in the national security area. Yes. True.

HALDEMAN: We've already said that. Anyway, I mean, we've laid the groundwork for that.

DEAN: Uh huh.

PRESIDENT: But here is the point, John: So you go that -- Let's go to the other extreme, the other, the other angle is to decide, oh, well, if you open up the Grand Jury, first, it

won't do any good; it won't be believed. And then you'll have two things going: The Grand Jury and you have the other thing. At least the Grand Jury appeals to me from the standpoint, it's the President makes the move. "Since all these charges have been bandied about, and so forth, the best thing to do is to -- I have ordered, or I have asked the Grand Jury to look into any further charges. All charges have been raised." That's the place to do it, and not before a committee of the Congress. Right?

DEAN: Uh huh.

PRESIDENT: Then, however, we may say, Mitchell, et al., God, we can't risk that, I mean, uh, all sorts of shit'll break loose there. Then that leaves you to your third thing. The third thing is just to continue to --

DEAN: Hunker down and fight it.

PRESIDENT: All right. If you hunker down and fight it, fight it and what happens?

DEAN: Your --

PRESIDENT: Your view is that that is, is not really a viable option.

DEAN: It's a very -- it's a high risk. A very high risk.

PRESIDENT: A high risk, because your view is that what will happen out of that is that it's going to come out. Somebody's -- Hunt -- something's going to break loose --

DEAN: Something is going to break and --

PRESIDENT: When it breaks it'll look like the President

DEAN: -- is covering up --

PRESIDENT: is, has covered up a huge uh, uh, this -- Right?

DEAN: That's correct.

HALDEMAN: But you can't contain the charge.

PRESIDENT: That's not --

DEAN: I just don't --

PRESIDENT: You're, you're,

DEAN: I don't think it's --

PRESIDENT: you now have, uh, moved away from the hunker down.

DEAN: Well, I've moved to the point that we've certainly got
to make a, a harder look at the other alternative, which
we haven't before.

PRESIDENT: The other alternatives.

DEAN: The other alternatives. Right.

PRESIDENT: Three other choices, wouldn't you say? As a matter
of fact, your m--, middle ground of Grand Jury. And then
there's finally the other ground of -- No, I suppose there's
a middle ground,

DEAN: And I would --

PRESIDENT: or the middle ground of a s--, of a public statement,
but without a grand jury.

DEAN: What we need also, sir--

PRESIDENT: And also --

HALDEMAN: But John's view is if we make the public statement

PRESIDENT: Yeah.

HALDEMAN: that we talked -- I raised that this morning, the, the
thing we talked about last night

PRESIDENT: Yeah.

HALDEMAN: If each of us

PRESIDENT: Yeah.

HALDEMAN: make moves,

PRESIDENT: Yeah.

HALDEMAN: he says that will immediately lead to a grand jury.

PRESIDENT: Fine -- all right, fine.

HALDEMAN: As soon as we make that statement, they'll have to
call a grand jury.

PRESIDENT: Then maybe we make the public statement before the
Grand Jury, in order to --

HALDEMAN: So it looks like we are trying to do it over.

DEAN: All right, say, all right, say here are public statements,
and we want, we want, uh,

PRESIDENT: Yeah.

DEAN: full Grand Jury investigation

PRESIDENT: Yeah.

DEAN: by the U. S. Attorney's Office.

PRESIDENT: Curious to see whether this statement's, then,
that's right. That I, but -- And that we've said that
the reason that we had delayed this is until after the
sentencing. You see, the point is, the reason that
time is of the essence, we can't play around with this,
is that they're going to sentence on Friday. We're going
to have to move the God damned thing pretty fast. See
what I mean?

DEAN: That's right.

PRESIDENT: So we've got to act, we really haven't time to [unin-
telligible]

DEAN: The other, the other thing is that the Attorney General
could call Sirica, and say that, "The government has some
major developments that it's considering. Would you hold
sentencing for two weeks?" If we set ourself on a course
of action.

PRESIDENT: Yep, yep.

DEAN: Say, that "The sentencing may be in the wrong perspective right now. I don't know for certain, but I just think there are some things that, uh, I am not at liberty to discuss with you, that I want to ask that the, the Court withhold two weeks sentencing."

HALDEMAN: So then the story is out: "Sirica Delays Sentencing Watergate -- For --"

DEAN: I think, I think that could be handled in a way between Sirica and Kleindienst that it would not get out.

PRESIDENT: No.

DEAN: Sirica tells me, I mean Kleindienst apparently does have good rapport with Sirica. He's never talked to him since this case has developed,

HALDEMAN OR
PRESIDENT: Why not?

DEAN: but,uh --

PRESIDENT: That's helpful. Kleindienst could say that he's, uh, he's working on something and would like, like, like to have a week. I wouldn't take two weeks. I would take a week.

DEAN: I'll tell you the person that I would, you know, I feel that, uh, we, we could use his counsel on this, because he understands the criminal process better than anybody over here does,

PRESIDENT: Petersen?

DEAN: is Petersen. It, it's awkward for Petersen. He's the head of

the Criminal Division. But to discuss some of these things with him, we may well want to remove him from the head of the Criminal Division and say, that, uh, "Rela--, related to this case, you will have no relation." Uh, and give him on some special assignment over here where he can sit down and say, "Yes, this is an, this is an obstruction, but it couldn't be proved," or so on and so forth. We almost need him out of there to take his counsel. That would, uh, I, I don't think he'd want that, but, uh, he is the most knowledgeable --

PRESIDENT: How could you get him out?

DEAN: I think an appeal directly to Henry, uh, that, uh --

PRESIDENT: Why doesn't the President -- could, could the President call him in as Special Counsel to the White -- to the, to the White House for the purpose of conducting an investigation, represent -- uh, you see, in other words -- rather than having Dean in on it,

DEAN: I have thought of that. I have thought of that.

PRESIDENT: have him as Special Counsel to represent to the Grand Jury and the rest.

DEAN: That is one possibility.

PRESIDENT: Yeah.

HALDEMAN: On the basis that Dean has now become a principal, rather

PRESIDENT: That's right.

HALDEMAN: than a Special Counsel.

DEAN: Uh huh.

PRESIDENT: That's right.

DEAN: Uh huh.

PRESIDENT: And that he's a --

DEAN: And I, and I could recommend that to you.

PRESIDENT: He could recommend it, you could recommend it, and
Petersen would come over and be the, uh -- And I'd say,
"Now --"

HALDEMAN: Petersen's planning to leave, anyway.

PRESIDENT: And I'd say, "Now,"

DEAN: Is he?

PRESIDENT: "I want you to get -- we want you to (1) --"
We'd say to Petersen, "We want you to get to the bottom of
the God damned thing. Call another Grand Jury or anything
else." Correct? Well, now you've got to follow up to see

whether Kleindienst can get Sirica to put off -- Right?
If that is, if we -- Second, you've got to get
Mitchell down here. And you and Ehrlichman and Mitchell
and let's -- and -- by tomorrow.

HALDEMAN: Why don't we do that tonight?

PRESIDENT: I don't think you can get him that soon, can you?

HALDEMAN: John?

PRESIDENT: It would be helpful if you could.

DEAN: I think it would be.

PRESIDENT: You need --

DEAN: Get him to come down this afternoon.

PRESIDENT: It would be very helpful to, to get it going. And, uh,
uh, you know, and uh, and, uh, and then, uh -- Actually, uh, I'm
perfectly willing to meet with the group, or I don't
know whether --

HALDEMAN: Do you think you want to?

PRESIDENT: Maybe have Dean report to me at the end, as to what are, as to
what conclusions, et cetera, what you want to do. I think I
should stay away from the Mitchell side of it at this point.

DEAN: Un huh.

PRESIDENT: Do you agree?

DEAN: Uh huh.

PRESIDENT: And, uh --

DEAN: And I think, unless we see, you know, some sort of a reluctant dragon there --

HALDEMAN: You might try to meet with the rest of us, I, I'm, I'm not sure you'd want to meet with John in a group of us. Okay, let me see if I can get it done.

PRESIDENT: All right. Fine. And, uh, my point is that, uh, we can, uh, -- you may well come -- I think it is good, frankly, to consider these various options. And then, once you, once you decide on the plan -- John -- and you had the right plan, let me say, I have no doubts about the right plan before the election. And you handled it just right. You contained it. Now after the election we've got to have another plan, because we can't have, for four years, we can't have this thing -- you're going to be eaten away. We can't do it.

DEAN: Well, there's been a change in the mood --

HALDEMAN: John's point is exactly right, that the erosion here now is going to you, and that is the thing that we've got to turn off, at whatever the cost. We've got to figure out where to turn it off at the lowest cost we can, but at whatever cost it takes.

DEAN: That's what, that's what we have to do.

PRESIDENT: Well, the erosion is inevitably going to come here, apart from anything, you know, people saying that, uh, well, the Watergate isn't a major concern. It isn't. But it would, but it will be. It's bound to be.

DEAN: We cannot let you be tarnished by that situation.

PRESIDENT: Well, I [unintelligible] also because I -- Although Ron Ziegler has to go out -- They blame the [unintelligible] the White House [unintelligible]

DEAN: That's right.

PRESIDENT: We don't, uh, uh, I say that the White House can't do it.
Right?

HALDEMAN: Yeah.

DEAN: Yes, sir.

68. On March 21, 1973 at 12:30 p.m. H.R. Haldeman spoke by telephone to John Mitchell, who was in New York City. In addition to reflecting the 12:30 p.m. call, Haldeman's telephone log for that day also shows a conversation with John Mitchell's office at 4:06 p.m. with a marginal notation "car - 9:30 a.m. (word illegible) Nat'l -- Amer 520." Haldeman has testified that he does not recall asking Mitchell on March 21 whether Mitchell was going to take care of Hunt's demand for money.

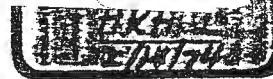
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Wednesday

THE WHITE HOUSE
WASHINGTON

TELEPHONE MEMORANDUM



H.R. Halldeman

March 21, 1973

	TIME		NAME	ACTION
	PLACED	DISC		
OUT	8:05 AM		Mrs. Halldeman	✓
INC	8:05 PM			
OUT	8:40 AM		John Dean	✓
INC	8:40 PM			
OUT	9:20 AM		Dave Parker	✓
INC	9:20 PM			
OUT	9:40 AM		#6 516/829-9278 Bern Workman	✓
INC	9:40 PM			
OUT	10:15 AM		Steve Bue	✓
INC	10:15 PM			
OUT	10:50 AM		Gen. Scowcroft	✓
INC	10:50 PM			
OUT	11:04 AM		Ron Ziegler	✓
INC	11:04 PM			
OUT	11:50 AM		John Ehrlich re: Univ. of Cal.	✓
INC	11:50 PM			
OUT	12:30 AM		John Mitchell	✓
INC	12:30 PM			
OUT	1:30 AM		John Dean	✓
INC	1:30 PM			
OUT	2:00 AM		36-5023 Al Smith	✓
INC	2:00 PM			

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Widnesday

H. R. Waldman

March 21, 1913

U.S. GOVERNMENT PRINTING OFFICE: 1970-O-375-347

1 A I understand.

2 Q Do you understand that while the Grand Jury rules do
3 not permit you to have an attorney present in this room, you
4 may be excused to consult with an attorney outside of this
5 room at any time upon request to the Foreman of the Grand Jury.

6 A I understand.

7 Q For the record, you are represented today by counsel
8 in the presence of Mr. Wilson and Mr. Strickler who are
9 outside, is that correct?

10 A That is correct.

11 Q So that anything you do say should be said freely
12 and voluntarily. Do you understand that?

13 A Yes.

14 Q And you understand further , as in the past, the
15 fact that you have been advised that you are a potential
16 target of this Grand Jury's investigation which means that
17 you may well be considered as a defendant for purposes of
18 indictment by this Grand Jury.

19 A I understand.

20 Q Now understanding all of those facts and rights which
21 you possess, are you prepared to testify this morning?

22 A I am.

23 Q Mr. Haldeman, may I direct your attention to the
24 21st day of March, 1973 and ask whether you recall meeting on
25 that day with the President and John Dean who was at that time

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1 counsel to the President?

2 A Yes, I do.

3 Q And you recall entering a meeting which was then in
4 progress?

5 A That's correct, yes.

6 Q Now following that meeting did there come a time
7 when you had a conversation with John Mitchell who was then in
8 New York City on the telephone?

9 A Yes, I am sure there did. Let's see -- March 21st?
10 Yes.

11 Q Can you give us the best of your recollection of the
12 time of the telephone conversation and the substance of it?

13 A I don't have -- I should qualify my previous answer.
14 I am sure that there was a telephone conversation because one
15 of the results or one of the outcomes of the March 21st meet-
16 ing with Mr. Dean and the President was a request by the
17 President that Mr. Dean, Mr. Ehrlichman, Mr. Mitchell and I
18 meet that day or the following day to discuss some of these
19 questions and then to report back to the President.

20 I feel sure that I called Mr. Mitchell to request his
21 coming down for such a meeting.

22 Q What do you recall of the conversation between your-
23 self and Mr. Mitchell?

24 A That's about all I recall. I am really assuming
25 that there was such a call. I think I called him. It is

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1 possible that someone else called him. My general recollection
2 now would be that I had called him and said that the President
3 wanted us to meet and asked him to come down.

4 Q Is it not the case that you discussed with more
5 particularity the problems about which the President suggested
6 you meet in your conversation with Mr. Mitchell?

7 A Not that I recall, no.

8 Q Is it your testimony that you do not recall saying
9 to Mr. Mitchell in substance that the President requested that
10 you meet as to how to deal with Mr. Hunt's demand for substan-
11 tial cash payments?

12 A Yes. I have no recollection of that being discussed.

13 Q It is your testimony that -- is it your testimony
14 that in the telephone conversation with Mr. Mitchell you did
15 not allude in any way to the subject matter about which you
16 would be meeting the following day?

17 A My recollection is that the subject matter about
18 which we would be meeting was the general subject of how to
19 deal with the overall -- what has now become called the
20 Watergate situation, as it stood at that time.

21 I don't recall the point that you raised as being
22 the specific subject for the meeting.

23 Q I'm sorry but your answer is not responsive to my
24 question, most respectfully. I asked whether you did not
25 recall alluding to the subject matter in your telephone

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1 conversation with Mr. Mitchell.

2 A I don't recall alluding to the subject matter. My
3 recollection would be that if I discussed the subject matter
4 it would be in the context that I have just described. The
5 purpose of the meeting was, as I recall it, to review the
6 Watergate situation.

7 Q Is it not a fact, Mr. Haldeman, that in your tele-
8 phone conversation with Mr. Mitchell you stated to him in
9 substance, or you asked him in substance, whether he was going
10 to take care of Mr. Hunt's problem?

11 A I don't recall any such discussion, no.

12 Q When you say you do not recall any such discussion,
13 that would be something you would recall, would it not, if you
14 had such a discussion?

15 A I would think so but I don't see that as having been
16 the major point of discussion either at the time of the phone
17 call to set up the meeting or at the meeting which took place
18 on the 22nd.

19 Q You're talking now again about Mr. Hunt's specific
20 request, is that correct?

21 A Yes.

22 Q When were you first advised that Hunt was making
23 such a request or demand?

24 A To the best of my recollection, the first I knew of
25 that was when it was raised in the March 21st meeting when it

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1 was reported to the President in my presence.

2 It is my belief that it had been discussed prior to
3 my coming in to that meeting and then was reraised as a point
4 of information when I came in.

5 Q Did you not have a conversation with John Ehrlichman
6 prior to the meeting about which you are making reference con-
7 cerning Mr. Hunt's most recent demand for funds?

8 A I have a general recollection of a very brief dis-
9 cussion of that topic with Mr. Ehrlichman. I don't think it
10 was before the meeting with Mr. Dean and the President that
11 morning.

12 I am not sure when that -- I think it was discussed
13 or raised in the course of the conversation, but my recollec-
14 tion now is the first I heard of that was in the meeting in
15 the President's office.

16 Q You say you recall some conversation with Mr.
17 Ehrlichman and you think it was after Mr. Dean raised it in
18 your presence with the President or discussed it with the
19 President in your presence.

20 I ask you whether, more specifically, you did not
21 have a conversation on the 20th of March, the day before the
22 meeting between Mr. Dean and the President to which you have
23 alluded, with Mr. Ehrlichman at which time the discussion
24 about Mr. Hunt's most recent demand was discussed.

25 A That is not my recollection at this time. It is

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1 awfully hard to put these things into time position. My
2 feeling now is the first I heard of that was in the March
3 21st morning meeting in the President's office. I can't dis-
4 count the possibility of the other.

5 I am trying to give you my best recollection.

6 Q You think you may well have had a discussion with
7 Mr. Ehrlichman on the 20th about Mr. Hunt?

8 A I don't recall any such. That's really all I can
9 say. I have no recollection of such a discussion preceeding
10 the other.

11 I have a recollection of that point coming up in
12 conversation with Mr. Ehrlichman at some time. My feeling is
13 that that was after the 21st.

14 Q Well, what do you recall about the substance of it
15 coming up with Mr. Ehrlichman which would be something which
16 might put it in a better chronological frame.

17 A This account is only a very general recollection.
18 Let's see if I can reconstruct this. What I would recall in
19 a general sense is that there was some reference to the fact
20 or to the report that Hunt had made some kind of a threat that
21 he was going to reveal the seemy things he had done for
22 Ehrlichman, or something to that effect, and that was discussed
23 as a point of information.

24 Mr. Ehrlichman expressed the view that that was a
25 matter of no concern to him because there was nothing, as far

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1 as he was concerned, that fit that kind of a description that
2 he would have any concern about Mr. Hunt revealing.

3 In other words, his view was -- and this is the
4 general sense -- I'm not trying to put words into it because
5 I can't -- it was that there was no basis for a Hunt threat
6 in that respect.

7 Q That's what Mr. Ehrlichman told you at the time of
8 your conversation?

9 A That's my recollection.

10 Q As part of the threat, didn't Mr. Ehrlichman tell
11 you that Mr. Hunt was asking for a lot of money and that the
12 threat to reveal these things about Mr. Ehrlichman and others
13 was contingent on his demand not being met?

14 A It is not my recollection that Mr. Ehrlichman told
15 me that. It is my recollection that I had heard that, the
16 substance of the threat, prior to the conversation or the
17 raising of this point in conversation with Ehrlichman.

18 Q Well, if we break that down there should be something
19 which should trigger your recollection as to whether you heard
20 about a threat from Mr. Ehrlichman for the first time or you
21 heard it from Mr. Dean, and when you discussed it with Mr.
22 Ehrlichman, whether Mr. Ehrlichman told you that the threat
23 was a flat or unconditional threat to reveal things, or whether
24 it was conditioned on a circumstance not being met; that is
25 the payment of money to Mr. Hunt.

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1 A Okay. As I thought I had said, my belief is that
2 I was told or that I heard of the threat in the terms that
3 Mr. Hunt had said he had to receive -- I think it was a hundred
4 and twenty thousand dollars, or something like that -- or he
5 would reveal the seamy things that he had done for Ehrlichman.
6 That sort of phraseology is how I recall it.

7 In other words, it was a threat that he had to be
8 given this amount of money or he would do the other thing.
9 But my recollection is that where I heard that was from John
10 Dean and in the President's office, not from John Ehrlichman.

11 Q That wasn't the only thing that Mr. Dean had indica-
12 ted that Mr. Hunt would talk about, is it?

13 A That's the only thing I recall.

14 Q Isn't it a fact that the Hunt threat was in the con-
15 text not only of telling these seamy things about Ehrlichman,
16 but that he would tell what he knew about Watergate, it's
17 break-in and its aftermath.

18 A No, that's not how I remember it at all.

19 Q It's not?

20 A No, sir.

21 Q Your recollection of being so advised by Mr. Dean
22 was that Hunt would only tell about Ehrlichman?

23 A There may have been another name. It may have been
24 Ehrlichman and someone, but my recollection very specifically
25 in that regard is that the threat related to what was described

DV

1 as the seamy things he had done for Ehrlichman. It may have
2 been for Ehrlichman and someone else, but it was not, as I
3 would reconstruct it now -- my impression is not that it was
4 a threat to disclose anything other than the apparent projects
5 that he claimed he had done for Ehrlichman.

6 Q Wasn't the fear expressed that in terms of Hunt
7 "blowing"?

8 A It may have been, and if it was, my recollection
9 again would be that it was in that context.

10 Q Now what was Mr. Mitchell's response to you on the
11 telephone, to your invitation?

12 A Again, it would have to be basically speculation. I
13 think that I transmitted to him the request to attend the
14 meeting, and h e said that he would be down the first thing in
15 the morning and a meeting was therefore set up.

16 Q And later on is it not a fact that Mr. Mitchell's
17 travel plans were confirmed and you were apprised of his time
18 of arrival?

19 A That's probably true, yes.

20 Q Do you recall that?

21 A No, I don't now but I imagine that would be the case.
22 I don't know whether it was later on or he confirmed it at the
23 time. I'm not sure of that.

24 Q Now Mr. Haldeman, you recall -- do you recall pro-
25 viding to the United States Attorney's Office, and specifically

DV

1 to Mr. Silbert, copies of the various telephone logs of yours?

2 A Yes.

3 Q Where are the originals of those logs?

4 A I don't know. I'm not sure. We may have turned
5 over the originals. They may be in my attorneys' possession.
6 They may still be in the White House files.

7 Q Would you like to confer with counsel with respect
8 to the answer to that question?

9 A Fine.

10 (Whereupon, the witness left
11 the Grand Jury room to confer
with counsel.)

12 (Whereupon, the witness re-
13 entered the Grand Jury room.)

14 BY MR. BEN-VENISTE:

15 Q Mr. Haldeman, have you had the opportunity to consult
16 with counsel?

17 A I have.

18 Q Are you able to answer the question with respect to
19 your logs?

20 A It is my counsel's belief that they were provided
21 with several Xerox copies of those logs, but they do not have,
22 and did not have the originals at any time.

23 On the basis of that, I can only assume, and this
24 would be my best belief, that the originals are still in the
25 White House files. Prior to my leaving the White House, and

DV

1 for the purpose of turning over copies to the U. S. Attorney's
2 Office, copies were made of those logs. A Xerox copy was held
3 in my attorney's file and copies were turned over to the U. S.
4 Attorney's Office.

5 Q So that you requested that the White House Xerox
6 various of your documents which were in the presidential files?

7 A There was a specific request for these logs apparent-
8 ly, and the copies were made and they were turned over. That
9 is my understanding.

10 Q Were you provided a copy of whatever was turned over
11 to the U. S. Attorney's Office?

12 A Yes. My recollection is that these were not in the
13 White House files at the time. They were held by my secretary
14 in my office.

15 MR. BEN-VENISTE: May we mark this as Exhibit HRH-1
16 of this date?

17 (Whereupon, Grand Jury Exhibit
18 HRH-1 was marked for identi-
19 fication.)

19 BY MR. BEN-VENISTE:

20 Q I'll show this to you, Mr. Haldeman, and ask if this
21 does not appear to be one of the logs turned over to you --
22 turned over by you to the U. S. Attorney's Office.

23 A It appears to be, yes.

24 Q Now if you will notice, this is a telephone memoran-
25 dum log dated March 21, 1973, Wednesday, H. R. Haldeman, and

DV

1 it begins at 2:50 p.m.

2 A Right.

3 Q With the first entry.

4 A Right.

5 Q Do you know where the first page of that log is, as
6 I will advise you that it has never been turned over to the
7 Government.

8 A Is this identified as the second page? Yes, it is --
9 page 2. No, I have no idea.

10 Q Have you ever seen page 1?

11 A I have not made any attempt to review these logs so
12 I probably haven't. As I have indicated in earlier appearances,
13 this log was not kept by me. It was kept by my secretary. I
14 am not familiar. I didn't even know it existed, as a matter
15 of fact, until the request was made and we got it.

16 Q Have you ever seen page 1?

17 A Not that I recall. I have no reason to believe that
18 I have. Let me volunteer that if there is a page 1, and I
19 would like to ask that we ask my attorneys, and we can do it
20 right now if you want to, to check, they do have -- Mr. Strickland
21 said they have a copy in their file. They can search that and
22 see if there is a page 1 for that date which is quite possible
23 that it is just left out.

24 THE FOREMAN: Would you please do so?

25 THE WITNESS: Sure.

DV

1 (Whereupon, the witness left
2 the Grand Jury room to confer
with counsel.)

3 (Whereupon, the witness re-
4 entered the Grand Jury room.)

BY MR. BEN-VENISTE:

5 Q Mr. Haldeman, have you checked the copy that you have
6 or that your attorneys have of the March 21 telephone logs?

7 A I have not. I have talked with Mr. Strickler and
8 he is calling his office. It is in the file in his office and
9 he is calling to have it checked right now. As soon as he
10 has an answer he will notify the Marshal.

11 Q Do you have any knowledge as to any deliberate with-
12 holding of this document?

13 A No.

14 Q Either by your attorneys or by anyone at the White
15 House?

16 A No, I don't. It was our intent and thought that
17 we had turned over the complete file, both the telephone logs
18 and the date and appointment files.

19 Q Now with respect to the tape recording of the con-
20 versation about which you have testified between the President
21 and Mr. Dean, and then later yourself, on the 21st of March,
22 1973, did you ever make a duplicate of this tape or of any
23 portion of the tape?

24 A No. My answer is no, but I want to be sure I
25

DV

1 Q Now, did Mr. Mitchell, at that time, indicate to
2 you, one way or another, whether Mr. Hunt would be paid?

3 A No, he did not.

4 Q Thereafter, did you have a conversation with Mr.
5 LaRue?

6 A Yes, I did.

7 Q And what was the substance of that conversation?

8 A Mr. LaRue wanted to know what I was going to do
9 about the problem that had raised, and I told him, nothing;
10 that I was out of that business.

11 He then asked me what I thought he should do and
12 I told him I thought he ought to talk to Mitchell about it.

13 Q Now, after the meeting on the 21st with the Presi-
14 dent and, for a portion, Mr. Haldeman, did you learn from
15 anyone whether Mr. Mitchell had been contacted with respect
16 to coming down to Washington and meeting with you and Mr.
17 Haldeman and the President and Mr. Ehrlichman?

18 A Yes, I did.

19 Q And when did you learn that?

20 A Sometime on the 21st, I learned it from Mr. Halde-
21 man. Originally, it had been hoped that Mr. Mitchell could
22 come down immediately but, for some reason, he couldn't come
23 down until the next morning. So a meeting was scheduled for
24 the next morning.

25 Q Now, later on in the day, on the 21st, you had a

DV

(1133)

69. On the afternoon of March 21, 1973 Dean met with Haldeman and Ehrlichman. Ehrlichman and Dean have testified that the participants at the meeting speculated about John Mitchell's role in the Watergate affair, and wondered whether Mitchell's not coming forward was the cause of the beating everyone was taking on the subject of Watergate. Dean and Haldeman have testified that in the late afternoon of March 21, just before their second meeting with the President on that day, Dean told Haldeman that perhaps the solution to the whole thing was to draw the wagons around the White House. According to Haldeman, Dean also said that they should let all the chips fall where they may, because that would not hurt anybody at the White House since no one there had a problem.

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WEDNESDAY, MARCH 21, 1973

8:15 HRH office
 9:00 President
 11:00 Albert Hall, Assistant Secretary of Defense, Intelligence
 11:45 Car at west basement
 12:00 Congressman Jack Kemp
 1:00 Lunch in Mess with Cole
 2:45 David Young
 3:00 Bernard Hillenbrand (NACO), Jim Falk
 3:45-6 HRH, John Dean
 6:00 Bud Krogh
 7:00 Metropolitan Club - Gene Bradley dinner

THURSDAY, MARCH 22, 1973

8:30 Sub-Cabinet briefing - 450 EOB
 11:00 HRH office - Dean, Mitchell
 11:45 Car at west basement
 12:40 Sec. Shultz' plane arrival (Mrs. E on plane) - Andrews
 3:15 Secretary Shultz
 3:45 President, Shultz

FRIDAY, MARCH 23, 1973

11:45 President
 1:00 Depart west basement
 1:30 Depart Andrews, Jetstar 4200
 (Mr. and Mrs. E, Hullins, Zieglers, Gladden)
 3:00 Arrive Offutt AFB, Omaha (engine trouble)
 5:30 Depart Offutt
 7:00 Arrive San Francisco
 Stay Clift Hotel

MONDAY, MARCH 26, 1973

9:00 Depart San Francisco
 (Ehrlichmans (3), Hullins, Gladden)
 1:50 Arrive Kansas City (Forbes)
 2:20 Depart Kansas City
 5:40 Arrive Dulles, Page Airways

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So, basically, he thought that was where one drew the line, and he wanted Dean to focus very hard on that. I don't think, on the 27th, that the President was advised of any implication in this matter of either Mr. Haldeman or me, and in point of fact he continued to be confident through the 30th, I know, and as matter of fact, on through April 16, because he had a report from Mr. Petersen, the Assistant Attorney General, and the Attorney General to the effect that neither Mr. Haldeman nor I were criminally involved in this matter in any respect. So, and that was on the occasion of their meeting on that Sunday which would have been the 15th, wouldn't it?

So, I don't think, particularly February 27, but continuing down through the next 3 weeks, that he had any real concern about that.

Senator GURNEY. Well, you mentioned meetings with Dean so I guess it is a good time to go to those.

Let's go to this meeting between you and Mr. Haldeman and Mr. Dean following the March 21 meeting of Dean with the President. That is when the roof sort of started to cave in, and I am curious to know what transpired in that meeting between the three of you after the meeting between Dean and the President, when presumably according to Dean's testimony, substantiated by Moore in what Dean told Moore, Dean told the President everything he knew about Watergate. Then there was a meeting, as I understand it, between the three of you.

Mr. EHRLICHMAN. There was a meeting at 3:45 p.m. on the 21st.

Senator GURNEY. Yes.

Mr. EHRLICHMAN. And then that meeting moved to the President's office after about an hour.

Senator GURNEY. Now, could you describe to us what happened in your office—it was in your office, wasn't it, the first meeting?

Mr. EHRLICHMAN. I am not sure. I don't recall offhand.

Senator GURNEY. I have in the log here 3:45 to 6 p.m., Dean, Haldeman, that is the only thing it says. It doesn't say where, although there is another note that day of a meeting. It says Haldeman's office, so I would assume perhaps this 3:45 p.m. meeting was in your office.

Mr. EHRLICHMAN. I don't know. My notes don't show.

Senator GURNEY. It is a minor point.

Mr. EHRLICHMAN. In any event it was either in Mr. Haldeman's office or mine. I am sure.

The conversation—

Senator GURNEY. Who called the meeting? Do you remember?

Mr. EHRLICHMAN. No, sir, I do not. I do not. The conversation, as I recall it, largely involved the question of testimonial availability of White House staff people. It was this continuing question that was ongoing. Mr. Dean did not report in my hearing what he had told the President that day.

Senator GURNEY. He never mentioned anything about his meeting with the President?

Mr. EHRLICHMAN. No, sir, not that I can recall at all. We were largely, at both that meeting and continuing in the meeting which took place in the President's office afterward, we were taken up with the question of how to get the story out, No. 1, how to get White House people to testify fully, under what circumstances, whether they should

be made fully available to this committee, waiving all privilege or whether they should be made available fully to the grand jury and not to this committee at all, whether the attorney-client privilege still existed as to Dean, and he talked to us quite a bit about the law of attorney-client privilege as I recall on that occasion, and so it was that setting.

Now, Mr. Dean and I got into a difference of opinion at that time about the question of immunity, and how that should be handled. As I recall, right around this time, I think—

Senator GURNEY. Now what do you mean about immunity?

Mr. EHRLICHMAN. Well, his theory was that the President should negotiate blanket immunity for the White House staff with the Attorney General so that the entire White House staff, lock, stock, and barrel, could testify freely before the grand jury as to any and all facts and clear the air and everybody would be immune from prosecution. That just didn't make any sense to me from either a practical standpoint or a public appearance standpoint, and we got into a difference of opinion on that. That was again—pardon me, Senator.

Senator GURNEY. Well now, why did he say that?

Mr. EHRLICHMAN. Well, he was looking for formula, he had come up with a concept that there ought to be some kind of a commission, an independent commission that would be set up.

Senator GURNEY. But when somebody talks about immunity, obviously they are afraid of ending up in the pokey. Did he say, "Now we are all going to jail so he had better get some immunity here."

Mr. EHRLICHMAN. No, he said he was concerned that people would not talk freely. Now, Mr. Dean is an immunity expert. Mr. Dean told us early in the game that he was the author of the statute which the Congress eventually adopted granting immunity to people in certain criminal situations so that they would testify against higher-ups or coconspirators or whatnot, and so he gave us quite an accounting of the difference between use immunity and transactional immunity and the various technicalities of this and he explained that immunity was sort of the lubricant that was needed in this thing to get people to come forward and to fully tell their stories.

Senator GURNEY. If everybody is innocent of everything and stop with Liddy, why would people worry about immunity?

Mr. EHRLICHMAN. Well, I don't think at that stage that there was any necessary assumption on our part that everybody was innocent of everything. I think this was implicit in the conversation that there were liabilities. We were thinking in terms of Mr. Magruder, we were thinking in terms of people at the committee, but Mr. Dean was also implying to us that people in the White House would not come forward and testify freely without immunity.

This was a line that picked up, I guess, about this time and then was replayed over and over in his conversations with Mr. Haldeman.

Senator GURNEY. Did he mention to you in this discussion who would need immunity in the White House?

Mr. EHRLICHMAN. No; he did not.

Senator GURNEY. No names were mentioned at all?

Mr. EHRLICHMAN. No, sir; not that I can recall.

Senator GURNEY. Who did you think might, because you had some discussion on this?

Mr. EHRLICHMAN. I don't think that I thought who might at that point. Bear in mind I had been totally out of touch with this situation for some period of time. My reaction to his proposal was to simply say to him that that was out of the question, that we simply could not expect anybody to grant immunity either on a blanket basis or on an individual basis to anybody in the White House. I said that rather early in the conversation and that may have inhibited any specifics that Mr. Dean otherwise might have been willing to come forward with.

Senator GURNEY. What was Mr. Haldeman's reaction?

Mr. EHRLICHMAN. He didn't express a reaction that I can recall to that. He was concerned, as I recall, with the general subject of executive privilege because he had been hearing from Mr. Mitchell strongly about executive privilege and he conveyed to us Mr. Mitchell's strong feeling that the executive privilege position that the administration was taking was untenable.

Senator GURNEY. And he didn't say anything about this conversation he had had, this long conversation earlier in the day with the President of the United States?

Mr. EHRLICHMAN. No, sir; he did not.

Senator GURNEY. Did you know at that time about who may have been knowledgeable about the break-in. You know at some point in time he told you that some people knew about it?

Mr. EHRLICHMAN. Oh, no.

Senator GURNEY. This was later?

Mr. EHRLICHMAN. That developed as a result of phone calls that Bob Haldeman was getting while we were in San Clemente following—we left, I left——

Senator GURNEY. I don't want to get bogged down on that.

Mr. EHRLICHMAN. Yes, I left about 5 or 6 days later for California. While we were out there, we began realizing there was a strong conflict between Dean and Mitchell on this whole question of people going to the grand jury or the committee and so on, and could not get a feel of it because I didn't know what was behind it and I began trying to find out what was behind it, and then I talked to Mr. O'Brien and that is the first that I knew about these four meetings back in November and December, January, and February where these plans were laid. Then I began inquiring through Mr. Moore and others as to what Mr. Mitchell might have testified to that was worrying him, and why he didn't think Dean ought to go near the U.S. attorney or the grand jury and what his concerns were.

Senator GURNEY. Is it fair to say that up to this March 21 date you had no knowledge of what Dean's activities were in connection with Watergate, and now I am talking about possible illegal activities, other than the Kalmbach business, and this talk you had on Executive clemency? Is that a fair thing to say?

Mr. EHRLICHMAN. I did not know what he had to do with the Kalmbach business except in the recruiting of Mr. Kalmbach.

Senator GURNEY. Well, I am only talking about what has transpired here this week.

Almost surely if John Mitchell is indicted, Kleindienst will resign," and he said, "I think Joe Snead ought to be Acting Attorney General."

Then he said, "The U.S. attorney has assured me that I am not a target, and neither is any other White House person."

Senator GURNEY. Were these notes made at the time of the meeting?

Mr. EHRLICHMAN. Yes, sir, as we talked.

Senator GURNEY. Did he tell you about all his involvement with Kalmbach, raising of money, and these methods of paying it that Ulasewicz told us about?

Mr. EHRLICHMAN. No, sir. That I hadn't heard until this testimony here.

Senator GURNEY. Or the contacts he was having with LaRue at this particular time?

Mr. EHRLICHMAN. No. You will recall he testified about five different ways, about looks of anguish, disbelief, scorn, whatnot, on my face at the time he said I was indictable. In point of fact at the time he said I was not indictable but that the Kalmbach thing might be a problem for me as being misunderstood, I said, "Well, I just don't see how it could, John," and then we discussed just that, the assumptions which I had made that there was nothing improper about it, and so on.

Senator GURNEY. At one of these meetings, and I can't remember which one, it was now because there were several in this time frame, but Dean testified, as I recall, that there was a discussion between you and him, and I think Haldeman, on the fact that the best way to settle Watergate would have Mitchell come forward, I guess that—March 21 counsel tells me. Do you recall anything on that, whether there was a discussion or agreement between you, that that was the best thing to do?

Mr. EHRLICHMAN. There never was such an agreement.

Senator GURNEY. Was there a discussion?

Mr. EHRLICHMAN. Yes. During that meeting and during subsequent meetings between Mr. Haldeman and me and meetings between Haldeman, Dean and me on the two occasions, I think we had them subsequent to that, there was a lot of speculation about John Mitchell and his place in all of this, and of course he was not saying anything to anybody at that point in time, and none of us really had a feel for this. I can recall at one of these meetings Bob Haldeman saying, "I wonder if we are taking all this anguish just to protect John Mitchell." It was a question, it was not an assertion, but I think we all shared at various times that question in our minds as to whether the beating everybody was taking on the subject of Watergate was because he was not coming forward. Now that was one of the reasons that the President asked me to meet with Mr. Mitchell on the afternoon of Saturday, April 14, to say to him for the President that if Mr. Mitchell thought his silence was somehow serving the Presidency that was a misapprehension, that the President didn't want him to sit silent if he knew something unless Mr. Mitchell felt from his own personal point that was an exercise of his own rights, in which case that was up to him. And I delivered that message to him at that time but that was a continuing question all the way through this period of time.

1 meeting with Mr. Haldeman and Mr. Ehrlichman, did you not?

2 A Yes, I did.

3 Q During the course of that meeting, was there any
4 discussion about what your preference might be as to Mr.
5 Mitchell's future actions?

6 A Yes, there was. The nature of that conversation
7 was that it was felt that Mr. Mitchell should be the one to
8 step forward and stand responsible for the entire Watergate
9 matter and that, if he did, the problems that had occurred
10 after June 17th would dissipate themselves and there would
11 be a satisfaction with somebody that was standing accountable
12 for the matter.

13 In other words, a big enough fish would have been
14 caught that the problem would have been resolved.

15 Q In other words, that would have taken public opinion
16 away from what might have occurred after the break-in, in
17 connection with the so-called cover-up?

18 A That is correct.

19 Q Now, on the 22nd of March, in the morning, did you
20 attend a meeting with Mr. Haldeman, Mr. Ehrlichman and Mr.
21 Mitchell?

22 A Yes, I did attend such a meeting.

23 Q Where did that take place?

24 A In Mr. Haldeman's office.

25 Q Do you recall any reference being made to Mr. Hunt's

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the President suggested that we have a meeting with Mitchell, Haldeman, and Ehrlichman to discuss how to deal with this situation. What emerged from that discussion after Haldeman came into the office was that John Mitchell should account for himself for the pre-June 17 activities and the President did not seem concerned about the activities which had occurred after June 17.

After I departed the President's office I subsequently went to a meeting with Haldeman and Ehrlichman to discuss the matter further. The sum and substance of that discussion was that the way to handle this now was for Mitchell to step forward and if Mitchell were to step forward we might not be confronted with the activities of those involved in the White House in the coverup.

Accordingly, Haldeman, as I recall, called Mitchell and asked him to come down the next day for a meeting with the President on the Watergate matter.

In the late afternoon of March 21, Haldeman and Ehrlichman and I had a second meeting with the President. Before entering this meeting I had a brief discussion in the President's outer office of the Executive Office Building suite with Haldeman in which I told him that we had two options:

One is that this thing goes all the way and deals with both the pre-activities and the postactivities, or the second alternative; if the coverup was to proceed we would have to draw the wagons in a circle around the White House and that the White House protect itself. I told Haldeman that it had been the White House's assistance to the reelection committee that had gotten us into much of this problem and now the only hope would be to protect ourselves from further involvement.

The meeting with the President that afternoon with Haldeman, Ehrlichman, and myself was a tremendous disappointment to me because it was quite clear that the coverup as far as the White House was concerned was going to continue. I recall that while Haldeman, Ehrlichman, and I were sitting at a small table in front of the President in his Executive Office Building office that I for the first time said in front of the President that I thought that Haldeman, Ehrlichman, and Dean were all indictable for obstruction of justice and that was the reason I disagreed with all that was being discussed at that point in time.

I could tell that both Haldeman, and particularly Ehrlichman, were very unhappy with my comments. I had let them very clearly know that I was not going to participate in the matter any further and that I thought it was time that everybody start thinking about telling the truth.

I again repeated to them I did not think it was possible to perpetuate the coverup and the important thing now was to get the President out in front.

MEETING OF MARCH 22

The arrangements had been made to have a meeting after lunch with the President with Ehrlichman, Haldeman, Mitchell, and myself. Mr. Mitchell came to Washington that morning for a meeting in Haldeman's office in which Ehrlichman, Mitchell, Haldeman, and

Senator MONTORA. Who devised the shelter of executive privilege as part of the coverup?

Mr. DEAN. Well, the—I wouldn't say there was a conscious decision at any point in time to use executive privilege as a part of the coverup. It was always in existence with regard to White House staff because no one, the President's policy was he didn't want the staff coming up. It began to take a very severe focus during the—first of all, during the Patman hearings that if push had gotten to shove in those hearings that that privilege would have been declared on Timmons and myself.

Senator MONTORA. You mean to tell me that you and Mr. Haldeman and Mr. Ehrlichman didn't discuss the use of executive privilege?

Mr. DEAN. Yes, sir; I was getting to that.

Senator MONTORA. As a coverup?

Mr. DEAN. That was the first time it had occurred when there was some discussion of it that was with regard to the Patman hearings in late September or early October. That was the only congressional problem that arose. It was during the Gray hearings when my name moved to the information front that we began discussing using or litigating with Dean the issue of executive privilege, possibly being the strongest, and these were the discussions I had with the President whereas if we were litigating the matter with Mr. Dean there would be no other witnesses from the White House who would have to appear because he would have the perfect reason that this matter is under litigation.

Senator ERVIN. We will take a 5 minute recess to vote.

[Recess.]

Senator ERVIN. The committee will resume.

Senator MONTORA. Mr. Dean, I only have three or four questions to ask of you. I want to clear this matter up with respect to Mr. Mitchell. On pages 225 and 226 of your statement, you mention that there was a move afoot at the White House to try to get Mr. Mitchell to accept the blame for the entire affair. Now, can you tell me who the prime mover of this attempt was at the White House?

Mr. DEAN. It is very difficult for me to say who the prime mover was. At the time this first was discussed, it was after I had reported to the President on the 21st what I thought were the implications of this entire matter and subsequently, I had a meeting with Haldeman and Ehrlichman and then another meeting with the President. It was early discussion—I recall one particular incident that occurred outside of the President's Office before he went into a meeting in which I said that there are two options. One is everything pre and post is going to have to be laid out or, second, the White House is going to have to surround itself with wagons and start protecting itself. It was in subsequent discussions with the President when it was evolving that I was arguing that both pre and post had to be disclosed, but there was evolving the thought at that point in time that if we merely deal with the pre situation, that the post might go away. I did not believe that and it was really when the Presidential party came back from California that early discussions of this concept had evolved into a firm policy.

So I also mentioned that there was a meeting on the 22d where Mr. Mitchell came down. I assumed at that time that Mr. Ehrlichman and Mr. Haldeman were going to do something to try to bring Mr.

Senator BAKER. Would you supply us with copies or the original so that we could have copies?

Mr. HALDEMAN. I believe—

Senator BAKER. I understand—has a copy been supplied to the committee?

Mr. DASH. It is being reproduced now.

Senator BAKER. Thank you very much.

Senator ERVIN. You may proceed with your original statement.

Mr. HALDEMAN. Thank you, sir.

Mr. Dean, Mr. Ehrlichman, and I met with the President later that afternoon of the 21st. That meeting dealt with the questions of the grand jury, the Senate committee, and executive privilege in connection with gathering the facts and getting them out. I think there was some discussion of Ehrlichman's theory that everybody should go to the grand jury; and Dean's reaction that that would be fine as long as we had immunity. Mr. Ehrlichman, as I recall, very strongly shot down that thought from Dean saying it did not make any sense at all. Dean has testified that he argued that the way to get the truth out would be to send everybody to the grand jury with immunity. That, in itself, is rather indicative of the different attitudes. Mr. Ehrlichman was arguing for going to the grand jury without immunity in order to get the truth out. Mr. Dean was arguing for going to the grand jury with immunity to get the truth out.

I recall an incident after that afternoon meeting that Mr. Dean also recalls, but he says it took place before and he sees it a little bit differently. I remember that Dean and Ehrlichman and I were standing on the top of the steps of the EOB, the Executive Office Building, outside the President's office. Dean said, sort of thoughtfully, that maybe the solution to this whole thing was to draw the wagons around the White House and let all the chips fall where they may, because that would not hurt anyone in the White House, nobody here had a problem—but his question was: What would that do in the way of creating problems for Mitchell and Magruder? The significance of that comment was that it still seemed to be clear in Dean's mind that the problem did not lie in the White House.

The next step was the meeting of Mitchell, Ehrlichman, Dean, and myself the next day with the President.

The four of us met first in the morning in my office and had some discussion of Dean's report to the President, although not in any detail. Most of the discussion was regarding approaches to dealing with the situation rather than a review of the facts of the situation.

Mitchell turned the discussion to the problem of executive privilege, and he argued very strongly that the position the President had taken and was maintaining regarding executive privilege appeared to the public to be a coverup on the part of the President and that it was bad politics, bad public relations, and a bad idea. Dean at that meeting again argued his idea of everybody going to the grand jury with immunity in order to get the facts out.

That was the day the news report was received regarding Pat Gray accusing Dean of having been a liar in some report he had given to the FBI. That interrupted the meeting and there was some discussion about it.

70. On the afternoon of March 21, 1973 from 5:20 to 6:01 p.m. the President met with Haldeman, Ehrlichman and Dean. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 afternoon meeting:

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70.1 Tape recording of conversation among the President, H.R. Haldeman, John Ehrlichman and John Dean, March 21, 1973, 5:20 - 6:01 p.m., and House Judiciary Committee tran- script thereof.....	1148
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TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF A RECORDING OF A MEETING AMONG
THE PRESIDENT, JOHN DEAN, JOHN EHRLICHMAN AND H. R. HALDEMAN
ON
MARCH 21, 1973, FROM 5:20 TO 6:01 P.M.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A MEETING AMONG THE PRESIDENT,
JOHN DEAN, JOHN EHRLICHMAN AND H. R. HALDEMAN
ON MARCH 21, 1973, FROM 5:20 TO 6:01 P.M.

PRESIDENT: [Unintelligible] to this morning.

EHRLICHMAN: Well, you go round and round and you come up with all questions and no answers. Backed up where you were at when you started.

PRESIDENT: That's where we were this morning. Well, uh, anything additional to rush here?

EHRLICHMAN: Well, I, I just don't think that the immunity thing will wash.

PRESIDENT: And the Grand Jury.

EHRLICHMAN: It may, if you come to --

HALDEMAN: Well, the immunity [unintelligible] problems.

EHRLICHMAN: Well under this procedure of John's, uh, John's grand jury package was, uh, was, uh, uh, to give immunity, you know, to various witnesses who go before the Grand Jury. I, I think we have to figure that that is out of the picture. I just don't think that it, that it can be carried off.

HALDEMAN: Well, either the Grand Jury or you can try by setting up a special panel, 'cause you --

DEAN: The special panel could investigate and report back on the whole thing. Have them [unintelligible] immunize witnesses so that all the information can be obtained, and, uh --

PRESIDENT: Maybe the appointment of a Presidential panel?

DEAN: I would think it would be too -- well that would take special legislation to get immunity powers, whereas

PRESIDENT: Yeah.

DEAN: the Department of Justice right now possesses the, the ability to grant immunity.

PRESIDENT: Well, let's take the Grand Jury without immunity, what about that?

DEAN: Well --

PRESIDENT: That was your idea of getting out of it.

EHRLICHMAN: Yeah. Well, I think that, uh, uh, is still a possibility. It leads to some very drastic results. Counsel over here reads the statutes, and, uh, there are awful opportunities for indictment, and, uh -- So, uh,

DEAN: Yeah.

EHRlichman: you end up with people in and out of the White House indicted for various, for various offenses. [Unintelligible] overlaid.

HALDEMAN: [Unintelligible] still plenty of these guys [unintelligible]

EHRlichman: That's right. Now the other, now the other route --

PRESIDENT: That is, if we're not, not mentioning that, uh --

EHRlichman: I wouldn't, uh, I wouldn't spend too much time with that. I, I give up there. Uh, the other route would be two papers, or possibly three, and these papers would say, "Mr. President, you asked me about this thing. Here's my, here's my review of the facts." And, uh, I think we disagree as to whether or not that's a viable option or not. I, I think you could get out a fairly credible document that would stand up, and that will have the effect of trimming the scope, and would have the effect of maybe becoming the battleground on a reduced scope, which I think is important. But, uh, the big danger in the Ervin hearings, as I see it, is that they will, they will run out, uh, leads into areas that, that it would be better not to have to get into. But, uh, if, uh, Baker, you know, under his direction -- Uh, and if you could put out a basic

document that would, uh, define a limited set of issues, uh, even if you, you don't try to concentrate on target, you just might have something, some -- but obviously, you haven't any way of imposing a lot of s--

PRESIDENT: But, does, uh, does anybody, uh, really think, really think that really we should do nothing? That's the other, I mean, that's, that's the option, period. If, uh -- keep fighting it out on this ground if it takes all summer.

HALDEMAN: Which it will.

PRESIDENT: That's the other thing, whether we're going to, say, to contain the thing.

EHRlichman: Well, we've talked about that. We talked about, uh, possible opportunities in the Senate, that, that may turn up that we don't foresee now. In other words, that you go in and start playing for the odds. Keep trying to put out fires here and there. The problem of the Hunt thing and, and, uh, possibly McCord and some of these other people breaking is there's no, uh, there is, there's no, uh, sign off on that ever. It just goes on and on and on.

PRESIDENT: That's right. Well if that's the case then, uh, what is your view as to what we should do now about Hunt, and so forth?

EHRlichman: Well, my, my view is that, that, uh, Hunt's interests lie in getting a pardon if he can. That ought to be, somehow or another, one of the options that he is most particularly concerned about. Uh, his, his indirect contacts with John don't contemplate that at all. Well, maybe they, maybe they contemplate it, but they say there's going [unintelligible]

PRESIDENT: I know.

HALDEMAN: That's right.

EHRlichman: They think that that's already understood.

PRESIDENT: Yeah.

EHRlichman: Uh --

PRESIDENT: I mean he's got to get that by Christmas time.

DEAN: That's right. But, uh --

EHRlichman: And if he doesn't, obviously, uh, he's got to figure it gets crosswise.

PRESIDENT: If that blows.

EHRlichman: If that blows and, and that's, it seems to me, that the, uh -- although at lea-- It obviously is understood, that

he has really gone over the ground with his attorney
that's in there.

PRESIDENT: However, can he, by talking, uh, get pardoned? Get,
get clemency from the court?

DEAN: That's one of the options he's obviously looking at now.
He comes in and tells this judge before sentencing, "Your
Honor" -- and the judge is likely to call him in before
sentencing -- and says, "Your Honor, I am willing to tell
all. Uh, I don't want to go to jail. I have pleaded
guilty to an offense. I'll take that plea. I don't
want to go to jail. I'll cooperate with you and the
government in any way possible. I'll tell you every-
thing I know." I think the judge probably, uh, uh, would
look upon that very favorably, it would pay somebody to
tell him.

EHRlichman: Yeah.

PRESIDENT: So then, now -- so the point we have to, the bridge you
have to cut, uh, cross there is, uh, which you've got
to cross, I understand, quite soon, is whether, uh, we,
uh, what you do about, uh, his present demand. Now, what,
what, uh, what [unintelligible] about that?

DEAN: Well, apparently Mitchell and, and, uh, uh,

UNIDENTIFIED: LaRue.

DEAN: LaRue are now aware of it, so they know what he is feeling.

PRESIDENT: True. [Unintelligible] do something.

DEAN: I, I have, I have not talked with either. I think they are in a position to do something, though.

PRESIDENT: It's a long road, isn't it? I mean, the way you look back on that, as John has pointed out here is that that's a, that's a, that's a long road.

HALDEMAN: It sure is.

PRESIDENT: For all of us, for all of us. I mean, what the hell you going to do? That's why you're, that's why you, you're sort of wrestling with the idea of moving in another direction.

DEAN: That's right. Uh, 'cause it's not only that group, but within this circle of people who have tidbits of knowledge, there are a lot of weak individuals and any one of those could cause it to blow: the secretary to Gordon Liddy, uh,

PRESIDENT: Sloan.

DEAN: the secretary to, uh, to Jeb Magruder.

PRESIDENT: Sloan.

DEAN: Chuck Colson's secretary, [unintelligible] before the Senate Committee. And it's not, it's not only one forum. There's the civil suit filed by O'Brien which, uh, for some reason we can't get settled. They are holding on to it. They are going to have rather intense civil discovery. They may well work hand in glove with that Senate Committee. They're going to go out and take depositions and start leaking things and there'll be inconsistencies. Leak what's in the transcript of one and see who breaks out in the other. There are all kinds of things they've got going right now that, uh, would mean, uh, [unintelligible] hold this thing together. And the other thing I must say I've noticed is there is a, there's an attitude that has grown amongst all the people that have been involved in this thing to protect their own behinds. And they're going to start going and hiring counsel.

HALDEMAN: Yeah. They've started to do that.

DEAN: Oh yeah. Uh, Dwight, for example, now wants a lawyer; uh, uh, Kalmbach has hired himself a lawyer; Colson has retained a lawyer; and now that we've [unintelligible] enough to know that self-protection is setting in.

PRESIDENT: Well, let's not trust them.

DEAN: Surely.

PRESIDENT: Maybe we face the situation, but we can't do a damned thing about the participants who are going to get it eventually, [unintelligible] why not now?

DEAN: Well, that --

PRESIDENT: That's, that's what you're sort of resigned to do.

DEAN: Well, my thought is that if it's going to come it should come in a way that would not harm you and, uh, the individuals bear a part of it.

PRESIDENT: Well, we don't want to harm the people either. That's my concern. Well -- survives them. Well, we can't, we can't harm the, uh, these young people I mean I'm damned concerned about all these people that were all working in

DEAN: For my part --

PRESIDENT: whatever they considered to be the best interests of the country, and so forth. I've never, I haven't any question as to --

HALDEMAN: That's right, we don't have any question here of some guy

stashing money is his pocket.

[Several
Voices.]

[Unintelligible]

PRESIDENT: [Unintelligible] it isn't something, it isn't it isn't
something like Hiss, for example, God damned treason.
Something [unintelligible]

HALDEMAN: Or like Sherman Adams, doing it for his own comfort,
or uh, Albert Fall, doing it for his own enrichment.

PRESIDENT: Yeah. That's right. That's the point. That's why I say
I'm, I'm going to take a lot of the heat. [Coughs] Well,
we have to realize that, uh, the attrition is going to be
rather considerable. That, that's your point, isn't it?

DEAN: I think it, it's hard to prevent. Now, that's why
I raise the point of, of this immunity concept again.
That would take a lot of heat. Obviously, the immunity
might -- But it also [unintelligible] you find cannot be
structured, that you're con--, you're concerned about,
there's something lurking here that has been brought to your
attention of recent. Uh, now is the time to get the facts.
People have been protecting themselves. Dean couldn't get
all the information. People wouldn't give it to him. Uh,
there are indications now that there are other things, and
you'd like to get all this information and lay it before the

public, but it's not going to come out if people are going to go take the Fifth Amendment before a grand jury. It'll never be proved. I ---

PRESIDENT: And it isn't going to come out of a committee.

DEAN: It's not going to come out of a committee, either. Uh, for those reasons --

PRESIDENT: Not in a fair way, that's the point.

DEAN: True. That's right. Now -- Or it may never come out. They may -- They will probably never get it out either, regardless of how clever they are. But now's the time to pull it up, all out [unintelligible]

EHRLICHMAN: Plus, they're not going to have the key witnesses.

DEAN: That's right.

UNIDENTIFIED: That's right.

DEAN: So therefore, you select a panel of, say the Deputy Attorney General, the head of the Criminal Division, the head of the Civil Division, something like that. You call over everybody in the White House, and tell them that we want, "I have been instructed by the President, we're to put together exactly what happened. You won't be prosecuted for it because, uh, that's not the point now. The point is to get out all this information." And then you will

make a decision, based on what you learn, whether people can remain in the government or not. And if it's bad, uh, they'll be removed, they'll be forced to resign. If it's something that, uh, is palatable, they'll go on with their job.

HALDEMAN: The hue and cry would be that "This is, this is a super cover-up. Before they were just trying to cover up the the information. Now they realize they've got guilty people, so they, they've immunized them so that they can't be prosecuted."

DEAN: I'm not just sure how many people would come out guilty.

EHRlichman: Yeah, well [unintelligible]. The perception is the important thing.

PRESIDENT: Yeah, but the point is, were we talking --

DEAN: All right, is that, is that better? Or is it better to have, you know, just, just keep going and have the thing build up and all of a sudden collapse? And, and people get indicted, and people, uh, get tarnished.

PRESIDENT: After we've stonewalled it?

DEAN: After we've stonewalled it, and after the President's been accused of covering up that way.

PRESIDENT: That's the point.

EHRlichman: Or is there another way?

PRESIDENT: Yeah, like -- ?

EHRlichman: Like the, the Dean statements, where the President then makes a full disclosure of everything which he then has. And is in a position if it does collapse at a later time to say, "Jesus, I had the FBI, and the Grand Jury, and I had my own counsel. I turned over every rock I could find. And I rested my confidence in these people in good faith and it's obvious now -- "

PRESIDENT: The middle ground taken would be -- I mean, I've been around, we've been around on that one quite a bit, the middle ground would be that, uh, I mean, uh, naturally you, you having to live through it, have to be a bit sensitive about the way we're going to, we're -- but I -- That doesn't concern me. I mean it doesn't concern me, and I don't -- I think as far as the public is concerned, it won't do much. Uh, if you as the White House Counsel, John, uh, on direction -- uh, I ask for a, a written report, which I think, uh, that -- which is very general, understand. Understand, [laughs] I don't want to get all that God damned specific. I'm thinking now in far more general terms, having in mind the fact that the problem with a specific report is that,

uh, this proves this one and that one that one, and you just prove something that you didn't do at all. But if you make it rather general in terms of my -- your investigation indicates that this man did not do it, this man did not do it, this man did do that. You are going to have to say that, John, you know, like the, uh, Segretti-Chapin --

DEAN: Um huh.

PRESIDENT: That has to be said. And, uh, and, so forth. And that under the circumstances, that, uh, grinds the man.

EHRLICHMAN: Could he do this? To give some weight to that, could you attach as an appendix a list of the FBI reports to which you had access: interview with Kalmbach, interview with Segretti, interview with Chapin, and Magruder, and whoever, Dean, the whole business. So that the President at some later time is in a position to say, "I relied."

DEAN: Not on Dean alone but on corroborated evidence [unintelligible]

EHRLICHMAN: That's right. It also helps with the Gray situation because it shows the use made of the FBI reports by you. He's reporting to the President. He can say in there, "I have not disclosed the contents of these to anybody else."

PRESIDENT: "Yes, I was, had access to reports for the purpose of carrying out your instructions to find out whether --" Because that is true. I've had -- You're the man I have asked "Well, now, who the hell has been involved here." You reported it before, found that there was no reflection on anybody [unintelligible] at this point. Uh, but, uh --

UNIDENTIFIED: [Unintelligible]

EHRlichman: I think that the President's in a stronger position later, and the Presidency is in a stronger position later if he can be shown to have justifiably relied on you at this point in time.

DEAN: Well, there's the argument now that Dean's credibility is in question, uh, as a result of the Gray hearings. Maybe I shouldn't do it. Maybe someone who has --

EHRlichman: This will rehabilitate you, though. Your credibility --

PRESIDENT: No, as a matter of fact, John, I don't think your credibility is in much jeopardy. Sure, you're under attack, but they want you up there to testify. I don't think it's the credibility. They want you to testify. I, uh, I would not be too sensitive about that. I think that you would, you'd make a hell of a good impression, really.

EHRlichman: Beyond that, you can, you can help your, your participation

in the interviews by saying, uh, that, in addition to having seen the, uh, FBI synopses, you were present at the time of the interview of a number

DEAN: That's right.

EHRlichman: of these witnesses, and

PRESIDENT: That's right.

EHRlichman: you yourself conducted interviews of others --

PRESIDENT: "I conducted interviews of the following people. I didn't, didn't, didn't," uh -- I'm just trying to think about it. Huh?

HALDEMAN: Turn all that into a puzzle.

EHRlichman: Absolutely.

PRESIDENT: Yeah.

EHRlichman: You were doing this in furtherance

PRESIDENT: Right.

EHRlichman: of your role --

PRESIDENT: That's right. And also, that you, that there's been such a, a lot of crap put out about, uh, what you have done that,

uh, without referring to the fact, without being a bit defensive about it, uh, that, you know, that you, you intended to do the letter. The letter -- which would not be a letter to Eastland. I think that at this point it would be a letter from Dean to me. And you'd say that, "Now that the," -- and you would base it on the fact, "Now that the hearings, now that the Watergate is, is done, I can now give a report about any progress of --"

EHRLICHMAN: Well, that's what you should say. In other words, he gives the report because you asked him for it, regardless of the timeliness.

DEAN: Yeah, the only problem with that

PRESIDENT: Yeah.

DEAN: is that if Hunt and -- not Hunt but, excuse me, Liddy and McCord are still out on appeal, they may not be sentenced on Friday --

PRESIDENT: Yeah.

DEAN: --- they still haven't come out the way --

EHRLICHMAN: Yeah. Well, all right. Then I would not get into that. I think you could say that, you could say,

PRESIDENT: Yeah.

EHRLICHMAN: uh, "I have a report. I don't mind showing it to Ervin.

I wouldn't want it published because some fellow's trial

-- The case is still around."

PRESIDENT: Right. Well, let me say, the problem with that is, uh, I don't believe that helps on our cause. In light of the fact that -- well, uh, let me just -- I am not sure, maybe I am wrong -- the fact that the President says, "I've shown Ervin the report." We've got to remember that we have, we have nobody there. I think something has to [unintelligible] where,

EHRLICHMAN: Fine. [Unintelligible]

PRESIDENT: where we can put out something to the public.

HALDEMAN: If you're worried about the timeliness, and trying to hang it to the -- on the sentencing, we don't really have to do that. We're going to say we just ignore the trial,

PRESIDENT: Yeah.

HALDEMAN: and say you have been -- and we've been, the, this -- we want it established anyway Dean has given you a report. We, we basically said it's an oral report. You can put the thing that Dean has kept you posted from time to time with periodic oral reports as, uh, on this thing, as, as it, uh, uh, it becomes available

DEAN: Right.

HALDEMAN: and so forth. You have asked him

PRESIDENT: Yeah.

HALDEMAN: now, uh, to summarize those,

PRESIDENT: Yeah.

HALDEMAN: uh, into, uh,

PRESIDENT: Yeah.

HALDEMAN: an overall summary.

PRESIDENT: Overall summary, and I am making the report available
to the Ervin Committee. Very public.

[Several
Voices.]

[Unintelligible]

PRESIDENT: And, and, and I again offer the Ervin Committee, I offer
the Ervin Committee, uh, I'd say, "Dear Senator Ervin,"
I'd say, "Here, here is the report, it is before your
hearings. I want you to have it, complete access, and, as
I have said previously, that any, any questions that are
not answered here, any member of the White House staff,
they will be directed to answer any, uh,

HALDEMAN: --- informal ---

PRESIDENT: Yeah.

HALDEMAN: Good.

PRESIDENT: on that basis." Well, we've run that by before, John.

EHRlichman: Well, we've said it's formal and informal

PRESIDENT: Yeah.

EHRlichman: in the statement and that's uh,

PRESIDENT: Yeah.

EHRlichman: [unintelligible]

PRESIDENT: Yeah.

EHRlichman: But let's suppose you did the damn -- I mean, you did it as to the burglary, and you did it as to --

PRESIDENT: Segretti.

EHRlichman: and you make some passing reference to money, correct? And then you send her up there. Uh, then let's suppose Hunt blows at some time. Our position on that is that, uh, "Hunt was an investigator. He was sent out to do an investigation on Ellsberg. Uh, when we discovered what he was up to, we stopped him." [Coughs] Now, I suppose that lets Ellsberg out, that's an illegal search

and search and seizure that may be sufficient at least
for a mistrial, if not for a --

PRESIDENT: Isn't it damn near through yet?

EHRlichman: Pardon?

PRESIDENT: Isn't that case about finished?

EHRlichman: Oh, it'll go on a while yet. Uh --

HALDEMAN: Can he get a mistrial after a conviction?

EHRlichman: Yeah, sure. Uh, well, let's, let's suppose that
occurred. Uh, that was a national security situ-
ation. Uh, Hunt exercised bad judgment, and I think
it's arguable that he should never have been permitted
to go to the Committee after that episode, having,
having, uh, reflected on his judgment that way. But,
uh, beyond that, the question is, did we, did we
authorize it, did we condone it,

PRESIDENT: Yeah.

EHRlichman: did we

PRESIDENT: Yeah.

EHRLICHMAN: support it? And that kind of thing.

PRESIDENT: And that's that part of it. Getting back to the, uh, getting back to this, John, uh, you still sort of tilt to the panel idea yourself?

DEAN: Well, I'm still, I see in, in this conversation the things that we've, you know, thought of before, we've talked about before. But they do not ultimately solve what I see as the grave problem of a cancer growing around the Presidency, and that the cancer is going to continue to grow. This is just another thing that gives a problem. It does not clean the problem out.

EHRLICHMAN: Well, but doesn't it give, doesn't it permit the President to clean it out at such time as it does come up? By saying, "Indeed, I relied on it. And now this, this later thing turns up, and I don't condone that. And if I'd known about that before, obviously, I wouldn't have done it. And I'm going to move on it now."

PRESIDENT: Your point, John, is the, the -- You really think
you've got to clean the cancer out now, right?

DEAN: Yes sir.

PRESIDENT: And, uh, how would you do that? You come
back again for another round. You see no
other, you see no other way that, uh, you,
you, you -- without the, without setting a,
without breaking down on executive privilege, of
course.

DEAN: I see that, yeah, yeah, there are a couple of ways
to do it.

PRESIDENT: You certainly don't want to do it at the Senate,
though, do you?

DEAN: No sir.

PRESIDENT: All right.

DEAN: I think that would be an added trap.

PRESIDENT: That's the, that's the worst thing. All right.

DEAN: Uh --

PRESIDENT: We've got to do it.

DEAN: We've got to do it. You have to do it, to get the credit for it. Uh, that, that gets you above it. Uh, as I see it, that means people getting hurt, and I hope we can find the answer to that problem.

EHRlichman: All right, suppose we did this? Supposing you rendered a report to the President on everything you know about this. And the President then fires some people. Step one. Step two, sends the report over to the Justice Department, then says, "I've been diligently at work on this. My counsel's been diligently at work. Here are his findings."

PRESIDENT: Where would you stop it? With, uh, Magruder over in Commerce?

EHRlichman: Christ, I don't know where it stops. You know, uh --

UNIDENTIFIED: [Unintelligible] Ziegler?

EHRlichman: Christ, that's --

HALDEMAN: It's probably going to be with Magruder

PRESIDENT: No.

HALDEMAN: [unintelligible] send it over to Justice.

EHRlichMAN: Well, if you send the report over, it just says Magruder did this and this.

PRESIDENT: Well, yeah, but --

EHRlichMAN: Well, that's what he's, that's what he is talking about.

DEAN: That's right.

PRESIDENT: And then Magruder, though, is a, is a fellow that's a --

EHRlichMAN: a free agent, at this point.

PRESIDENT: is a free agent, according to John, who'd say, uh -- he'd pull others down with him.

EHRlichMAN: Sure.

DEAN: Well, now, what you, what you do --

HALDEMAN: You don't know that he would, but you sure as hell have got to assume he would.

EHRlichMAN: Why, of course.

DEAN: I think what you could do is you could drop numbers, with names on them, in a hat, you can draw them out to see who gets hurt and who doesn't. [Laughs] Well, that's about as fair as you could be.

EHRlichMAN: The minute you --

PRESIDENT: Strachan. Do the same to him with it.

DEAN: Strachan?

PRESIDENT: Maybe. Not so much.

UNIDENTIFIED: Maybe Jeb.

DEAN: [Unintelligible] I think he has a problem.

PRESIDENT: Uh, the problem of knowledge of it.

HALDEMAN: He has a problem of knowledge. Magruder has a problem of action.

PRESIDENT: Action and perjury.

EHRlichman: Well, Strachan found the money. That's the problem.

DEAN: No.

HALDEMAN: Not really.

DEAN: The thing that we'd like, you know, to happen, if possible, to do this, is --Hunt has now sent a black-mail request directly to the White House.

PRESIDENT: Who did he send it to? You?

DEAN: Yeah.

PRESIDENT: Or to me?

DEAN: To your counsel.

PRESIDENT: Uh huh.

HALDEMAN: That's the interesting kind of thing, there's something there that maybe we blow it all up that way, and there go all the -- and everything starts going in a whole new direction.

DEAN: That would hurt but he's, he's committing an offense. Right there. That is blackmail.

HALDEMAN: Yeah, John, but where does that take you? That takes you to your support of other people who are not fully aware of the [unintelligible] anyway.

DEAN: That's right.

HALDEMAN: But we didn't know about that.

UNIDENTIFIED: That's a fact. We're above that.

DEAN: But, then, again, you have to get the problem of people, what they're going to say -- [whistles].

EHRlichman: Well, if you go your route, you can't draw the line someplace --

DEAN: No, no.

EHRlichman: You can't then say, you know, we're going to, we're going

to reserve that, we've got to let it all --

PRESIDENT: You see, if you go your route of the ca--, of getting, cutting, cutting the cancer out, the question is would you cut it out now is, uh, is, is, is, uh --- Take a Hunt.

DEAN: Well --

PRESIDENT: You [unintelligible] -- knock the hell out of him, don't you?

DEAN: That's right.

HALDEMAN: Well, if you take your route and it goes slightly [unintelligible] you have a certainty, almost, of Magruder going to jail, Chapin going to jail, you going to jail,

PRESIDENT: No.

HALDEMAN: probably me going to jail.

PRESIDENT: Uh, again, I question the last two.

HALDEMAN: Certainly Chapin. Certainly Strachan. No, not really.

DEAN: Not necessarily, uh --.

UNIDENTIFIED: Not Chapin.

HALDEMAN: Chapin and Strachan are clean. Well, so is Strachan.

EHRlichman: I think Strachan is hooked on, on this money.

PRESIDENT: What money was that?

EHRlichman: He is an accessory in a, in a undeclared campaign fund.

HALDEMAN: That's no -- That, that's -- The only guy responsible for that is the treasurer.

EHRlichman: I know.

HALDEMAN: Sure.

EHRlichman: But not under the law.

PRESIDENT: Well that was un---, undeclared for awhile, I think it was '70, '68.

EHRlichman: Yeah. But then it got back into the coffers and, uh, was used in this campaign.

DEAN: Let's say, let's say the President sent me to the Grand Jury to make a report. Who would be, who would, who could I actually do anything to, or cause any problems for? As a practical matter, first-hand knowledge, uh, almost no one. All I could do is to give them a focus plus leads.

PRESIDENT: Right. Right.

HALDEMAN: Then they start following the leads.

DEAN: That's right, and where they ultimately come down or -- Well, there, there again, is, is, is the -- We don't have anybody to talk to somebody who understands the process [unintelligible]. I was talking outside with Bob about Henry Petersen. Uh, we just have to have somebody talk to somebody that, that, can really break in and can say, "Henry, what does this mean in the criminal justice system? What kind of a case could be made on this? Uh, what kind of offenses would evolve out of that?" [Unintelligible] got a pretty good idea of most of the statutes that are involved, but there, uh, there is so much behind the statutes.

PRESIDENT: Do you want to bring him in? Talk to him? Well, if you do that, you will suit the Attorney General.

DEAN: Well, you're putting in, you're putting in his knowledge --

PRESIDENT: I see.

DEAN: Uh, we'll have to play with that.

HALDEMAN: If you do it hypothetically --

DEAN: Right.

HALDEMAN: You've got, you've got this brother-in-law who has this problem in school. [Laughs]

PRESIDENT: Yeah.

DEAN: He told this wild scenario that I'd like you --

PRESIDENT: Yeah.

HALDEMAN: [Unintelligible]. My friend is writing a play, and unless he, uh --

DEAN: Uh, but, it bothers me to do anything further now, in the situation, when Hunt's our real hang-up.

PRESIDENT: Well, now, do you think a statement prompts him?

DEAN: Yes, sir, I do. It doesn't solve it. It's just one more step.

HALDEMAN: The payment to Hunt does too.

PRESIDENT: The payment to Hunt does, yeah.

DEAN: Maybe that's what -- That's why I say, you know, somebody to assess the criminal liability. Maybe we are mis-assessing it.

EHRlichman: Well, I really don't know, will Petersen --?

Would you confide in him?

HALDEMAN: I think I would.

EHRlichman: How else? You could start down that road. You could say, "Henry, I want to, I want to talk to you about, uh, questions that arise in the course of my investigation, but I have to swear you to secrecy." If he'll take it on that basis.

DEAN: There's the answer, of course, "The President has told me never to say -- I, uh, I want to know if you can talk to me off the record." [Unintelligible]

EHRlichman: You immediately eliminate one of your options. You can, well, you can eliminate the option of the President being able to take the position he knew nothing about it.

PRESIDENT: Uh, so you, uh, you see then that, uh, you don't see the, uh, you don't see the statement thing, uh, uh, helping insofar as the, the --- be of any way --- the, uh --- helping insofar as -- 'cause if -- you, you must -- you think that over some more.

DEAN: Yes, sir. The idea is the temporary answer.

PRESIDENT: I agree with that. But the point is to, uh, but you see, here's the, the way I would see the statement that we could say we get out: Our -- Everything we would intend to say or, or we could get out a general statement as I have already indicated, would get out a, with regard to the fact that we spent looking into the God damn thing, it's really -- I mean, I've said it, we, we just can't, you, you know, withdraw, so let's forget a withdrawal at this point. Well, and secondly, again, the offer for White House people to cooperate so that we're not covering up, okay. And that still leaves it, however, in the hands of the Committee. I agree. A statement, at least, would, it's true, temporary, but it, uh, would indicate the President has looked into the matter, has had his counsel report to him and this is the result of that, uh, now let the Committee do their damndest. We will cooperate. And the Committee will say, "No." And so we'll just stand right there.

DEAN: Well, what will really [sighs], I think what will, will prompt a new problem will be Sirica giving a speech from the bench on Friday when he sentences.

PRESIDENT: Yeah.

DEAN: I think he will charge that he cannot believe the trial was conducted by the government presenting a limited case. That he is not convinced the case represents the full situation.

HALDEMAN: In other words, uh --

DEAN: I know if that's the case it'll have a dramatic impact on the day of

PRESIDENT: Yeah.

DEAN: sentencing with Sirica from the bench,

PRESIDENT: That's right.

DEAN: because he'll charge that there are higher-ups involved in this. He may take some dramatic action like, uh, you know, appoint a special prosecutor. Who knows?

PRESIDENT: Can he do that?

DEAN: Sure. I think he could.

PRESIDENT: He could appoint a special prosecutor, for what? For --

DEAN: To reopen the investigation. He is the presiding Judge.

HALDEMAN: He could go, he could convene a grand jury. Or he said he could.

DEAN: Well, the government is going to do that. Uh --

PRESIDENT: The government's going to do that for what?

DEAN: Right after sentencing, the week after sentencing they're going to take all the people who've been sentenced back before the Grand Jury --

PRESIDENT: These same ones?

DEAN: These same ones. And see if they want, now want to talk. Sirica may --put, you know, give them provisional sentences. And say if they are helpful to the government, back before the Grand Jury, he'll reconsider the sentences, [unintelligible] people horrendous sentences.

PRESIDENT: Suppose -- Horrendous sentences I think we can anticipate. But, but, suppose he does that? Then where, where does that leave us then, John? Where does that leave us? You just say --

EHRlichman: Well, I don't think that's a surprise to the defendants. I think their counsel must have prepared them for that.

PRESIDENT: I'm -- right. I wonder, however, however, in terms of what about our, what about our position? In other words, we're damned by the courts before Ervin ever could get there.

EHRlichman: The, the only thing that we can say is for Ziegler to say, "Look, we've investigated backwards and forwards in the White House, and we're satisfied on the basis of the report we have that nobody in the White House has been involved in a burglary, nobody had notice of it, knowledge of it, participated in the planning, or aided or abetted it in any way."

PRESIDENT: Well, that's what you could say.

EHRlichman: And it happens to be true,

PRESIDENT: Yeah.

EHRlichman: as for that transaction.

PRESIDENT: [Laughs] Sure. As for that transaction.

EHRlichman: Right.

PRESIDENT: Well, John, you, uh, you, uh, you must feel that's, uh, is enough.

DEAN: No [unintelligible]

EHRlichman: Now, let's, let's try another, let's try another con-
commitant to that. Supposing Mitchell were to step out
on that same day and were to say, "I've been doing
some investigation at 1701 and I find so and so, and
so and so."

PRESIDENT: [Unintelligible]

UNIDENTIFIED: Yes, sir.

EHRlichman: And I don't know what he would say, but maybe he'd
want to make some kind of a disclosure. And then what?

PRESIDENT: What the hell is he going to disclose that isn't going
to blow something? Yeah. Well [unintelligible]

EHRlichman: Well, I'm going to have to -- I [unintelligible] have to
resolve it.

PRESIDENT: I don't have any time. I'm sorry. I'm going to have to
leave. What is there -- What have you got here [unin-
telligible]. Well, uh, you meet what time tomorrow?

HALDEMAN: I am not sure. In the morning.

DEAN: Morning.

HALDEMAN: [Unintelligible] we will brood this out.

PRESIDENT: Fine. Well, sure. You come here [unintelligible].
We're going around. That's the way you have to do.
Right.

71. On the evening of March 21, 1973 Fred LaRue caused approximately \$75,000 in cash to be delivered to William Bittman, attorney for E. Howard Hunt. Earlier that day LaRue had called Mitchell when Dean refused to authorize the payment to Hunt, and Mitchell had approved the payment to Hunt.

Page

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W
P R O C E E D I N G S

Whereupon,

FRED C. LARUE

was called as a witness, and, having first been duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

BY MR. BEN-VENISTE:

Q Would you state your full name for the record, please?

A Fred Chaney LaRue.

Q Mr. LaRue, you are reappearing before this Grand Jury to answer questions which it believes relevant to its investigation.

Mr. LaRue, do you recall an occasion in March of 1973 when you participated in the delivery of approximately \$75,000 in cash to a Mr. William Bittman for the benefit of E. Howard Hunt?

A I do.

Q Now if we could work backwards from the delivery, do you recall how that delivery was effectuated? Who actually delivered the money to Mr. Bittman?

A The money was delivered by Mr. Manyon Millican.

Q Had Mr. Millican delivered money to Mr. Bittman at your request before that occasion?

A Yes, that's true.

DV

1 Q What was Mr. Millican's job at the time?

2 A He was working for -- I'm sorry. At that particular
3 time I don't know if I could -- I don't know his job status.
4 At one time he was working for the Committee to Re-elect the
5 President. When he went off the payroll over there I just
6 don't know.

7 Q Now on the evening that Mr. Millican delivered the
8 money, can you recall what occurred prior to the time that
9 you asked him to make this delivery?

10 A Yes. I got a call from Mr. Dean, John Dean --

11 Q I mean the evening itself, just prior to that. I
12 think that we'll work backwards from there if that's helpful.

13 A I had invited Mr. Millican over to my apartment for
14 dinner. There were two other people present, my secretary,
15 Miss Fredericks, and Sherman Unger.

16 We had dinner and --

17 Q Who is Mr. Unger?

18 A Mr. Unger is a friend of mine. At one time he was
19 with the Committee to Re-elect the President.

20 Q Where is Mr. Unger from?

21 A Cincinnati, Ohio.

22 Q Do you recall whether Mr. Unger was in just for the
23 day as far as what he told you?

24 A That is my recollection, yes.

25 Q And you had invited him for dinner in advance?

DV

1 A That is correct, yes. Not in advance of that day.
2 He called me that day when he came to town, and I invited him
3 to dinner.

4 Q Now you had dinner with Mr. Millican, Miss Fredericks
5 and Mr. Unger. Do you recall anything unusual which occurred
6 that night which makes it stand out in your mind?

7 A Yes, one occurrence. I had just moved into a new
8 apartment. I had built a fire in the fireplace and the forced
9 air circulating fan exhaust -- the smoke went out and filled
10 the apartment with smoke.

11 Q So that that particular dinner party stands out in
12 your mind for that reason?

13 A Yes, it does. That's right.

14 Q After dinner do you recall the circumstances of your
15 asking Mr. Millican to make another delivery to Mr. Bittman?

16 A Yes. I called Mr. Millican into the bedroom and I
17 asked him if he would mind delivering a package to Mr. Bittman
18 for me that night.

19 Q What did that package consist of?

20 A \$75,000 in cash, hundred dollar bills.

21 Q How was it wrapped?

22 A My best recollection would be it was in just a
23 manilla envelope, no markings on the envelope.

24 Q I take it Mr. Millican consented?

25 A Pardon?

DV

1 Q I take it Mr. Millican consented?

DV

2 A Yes.

3 Q After Mr. Millican left did you telephone Mr.

4 Bittman?

5 A That's the best of my recollection. I did telephone
6 Mr. Bittman and tell him that there was a package that would
7 be delivered to him that night.

8 Q And it was your understanding that the package would
9 be left in the mailbox?

10 A That is correct.

11 Q And there would be no personal contact between Mr.
12 Millican and Mr. Bittman?

13 A That is correct. That was the procedure that was
14 followed on the other two deliveries.

15 Q Now how did you identify yourself to Mr. Bittman on
16 the telephone when you called?

17 A In all conversations with Mr. Bittman I identified
18 myself as Mr. Baker.

19 Q Was this the second telephone conversation you had
20 had with Mr. Bittman that day?

21 A Again, to the best of my recollection I called Mr.
22 Bittman earlier that day to ascertain whether he would be home
23 that night, yes.

24 Q And you identified yourself again as Mr. Baker, I
25 take it?

DV

DV

1 A That's correct.

2 Q You told Mr. Bittman that you would like to make a
3 delivery to his home that evening?

4 A That is correct.

5 Q And you asked whether he would be available for that
6 purpose?

7 A Correct.

8 Q You were obviously somewhat anxious about the possi-
9 bility that the envelope might sit in the mailbox for any
10 period of time?

11 A Correct. I called him when Mr. Millican left. I
12 called him and told him that the delivery would be made within
13 the next thirty minutes or so.

14 Q Had you ever delivered anything else to Mr. Bittman
15 aside from money that you can recall?

16 A Not that I can recall, no.

17 Q So every time, as far as you know, that Mr. Bittman
18 received a telephone call where the caller identified himself
19 as Baker he received cash in the delivery that ensued rather
20 than any other documents or anything else?

21 A Certainly from any conversations he actually had
22 from me, that would be the case.

23 Q And you made up the name Baker yourself, I take it?

24 A That is correct.

25 Q Now with respect to that telephone call to Mr.

DV

1 Bittman in the afternoon, do you recall whether that was a
2 telephone call in Mr. Bittman's office?

3 A That would certainly be my recollection so certainly
4 my assumption that the call would have been made through his
5 office, yes.

6 Q If it were not to his office, if he had left already
7 it would have been to his home, I take it?

8 A That would be true.

9 Q So you would place that at sometime in the latter
10 part of the afternoon or the early evening?

11 A The first call?

12 Q Yes.

13 A I would place it in the afternoon.

14 Q Now prior to making that call, I take it you had had
15 discussions with other people concerning whether to make this
16 delivery.

17 A That is correct.

18 Q That day had you spoken to Mr. Dean and Mr. Mitchell?

19 A That is correct.

20 Q Now starting with Mr. Dean, can you tell us what Mr.
21 Dean told you in substance?

22 A My best recollection of that phone call is that Mr.
23 Dean called me. He stated that he had had a request for a
24 delivery of money to Mr. Bittman for Mr. Hunt's attorneys fees
25 and for Mr. Hunt's expenses, living expenses.

DV

1 Q Okay.

2 A He indicated to me that he was passing this informa-
3 tion on to me for whatever purpose I wanted to make of it,
4 that he was not going to have any further involvement, contact,
5 in the delivery of monies to the so-called Watergate defendants,
6 and that I would have to exercise my own judgment to decide
7 what to do about this request.

8 I told Mr. Dean that unless I was authorized by
9 someone that I would not make this delivery, at which point
10 he suggested that I call Mr. Mitchell.

11 Q Did Mr. Dean in that conversation indicate that there
12 was a sense of urgency about this?

13 A Yes. I recall that he indicated there was a sense
14 of urgency. To the best of my recollection he mentioned some-
15 thing to the effect that Mr. Hunt was due to be sentenced, I
16 think within the next two or three days, and he did imply a
17 sense of urgency about it, yes.

18 Q I take it Mr. Dean identified an amount of money in
19 the course of that conversation that Mr. Hunt was asking for?

20 A That is correct. My recollection is that there was
21 \$75,000 required for attorneys fees, and \$60,000 required for
22 his living expenses.

23 Q Now I take it you had a conversation with Mr.
24 Mitchell following that with Mr. Dean.

25 A That is correct.

DV

1 Q Can you recall to the best of your recollection the
2 substance of that conversation?

3 A As it relates to the delivery of this money, I can,
4 yes. I told Mr. Mitchell of my conversation with John Dean,
5 indicating that Dean was not going to be involved any further
6 in the authorization and distribution of money.

7 I told Mr. Mitchell that we had had a request for
8 \$75,000 for Mr. Hunt. He asked me what it was for. I told
9 him to the best of my knowledge it was for attorney's fees,
10 and he said that under the circumstances, he said, "I think
11 you ought to pay it", which I proceeded to do.

12 Q Is it a fact then that you didn't mention to Mr.
13 Mitchell the request for \$60,000?--

14 A This is my best recollection --

15 Q Mr. LaRue, let me finish the question. \$60,000
16 for maintenance.

17 A To the best of my recollection this is true. I
18 think this was a decision I made myself. It was certainly
19 a rather large sum of money involved, quite frankly approach-
20 ing the amount of money which I had on hand at that time.

21 The only amount of money I recall discussing with
22 Mr. Mitchell was the \$75,000 which was delivered.

23 Q Was there anything in the conversation you had with
24 Mr. Mitchell by which Mr. Mitchell indicated that he had or
25 had not heard of this request earlier than the time of your

OV

1 conversation?

2 A Nothing that would indicate to me one way or the
3 other.

4 Q Now in fixing the date of these events, do you
5 recall that the date following this delivery of money you
6 learned that Mr. Mitchell was in Washington?

7 A I don't specifically recall Mr. Mitchell being in
8 Washington on that particular day. I do recall him being in
9 Washington a couple of times in this time frame, but as far
10 as the specific date, I can't recall.

11 Q Now independently do you have any recollection of
12 the precise date of the request to Mr. Millican to deliver
13 the funds?

14 A The precise date of the request?

15 Q Yes.

16 A The date would be on the day he delivered it. It
17 would have been that specific day.

18 Q I mean can you recall of your own recollection, or
19 through any of your own notes, what day this was? We know it
20 was in late March from your recollecting the events, but
21 specifically can you recall the precise day?

22 A I can't specifically recall the precise day. No,
23 sir.

24 Q All you can be sure of is that it was the evening
25 of the dinner party with Mr. Unger?

DV

1 A That is correct.

2 Q At which you had the problem with your fireplace?

3 A That is right.

4 THE FOREMAN: Mr. LaRue, could you in any way estab-
5 lish that? I think you testified that this was the day that
6 Mr. Unger arrived in Washington.

7 THE WITNESS: My personal opinion is that Mr. Unger
8 is an attorney and keeps probably a lot better records than I
9 do, travel vouchers and so forth. I would imagine he could
10 determine that date.

11 THE FOREMAN: So you could provide that for us then?

12 THE WITNESS: I could?

13 THE FOREMAN: Through Mr. Unger?

14 THE WITNESS: I think Mr. Unger could provide that.
15 I don't have any access.

16 BY MR. BEN-VENISTE:

17 Q Now you had asked Mr. Millican to provide the same
18 service for you on two prior occasions.

19 A That is correct.

20 Q And on those occasions did you telephone Mr. Bittman
21 identifying yourself as Mr. Baker?

22 A Yes.

23 Q Can you tell us the circumstances of the first time
24 that you used Mr. Baker as an alias?

25 A Yes. This would be back in I think October of 1972

DV

P R O C E E D I N G S

Whereupon,

MANYON MILLICAN

was called as a witness, and, having first been duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

BY MR. FRAMPTON:

Q Sir, will you state your full name and spell your last name for the Reporter, please?

A Manyon Millican, M-a-n-y-o-n M-i-l-l-i-c-a-n.

Q Mr. Millican, where is your home?

A Well, my official domicile is Birmingham, Alabama. That's where I pay taxes, but I live in Slaters Fork, West Virginia.

Q How are you employed right now?

A I am director of marketing of a snow shoe company in Slaters Fork, West Virginia.

Q Mr. Millican, beginning in about July of 1972 did you hold a position with the Committee to Re-elect the President?

A Yes, I did.

Q What was that?

A I was national director of canvass control and accountability.

Q Did you remain in that position through the election,

DV

1 the 1972 election?

2 A Yes, I did.

3 Q I take it that you are a longtime business and social
4 friend of Mr. Fred LaRue's, is that correct?

5 A Yes.

6 Q Mr. Millican, in late March, the latter part of
7 March of 1973, did you attend a dinner party at Mr. LaRue's
8 home at which a number of other people were present including
9 Miss Laura Fredricks and Mr. Sherman Unger?

10 A Yes.

11 Q Was there anything about that particular dinner
12 party, anything that happened during that evening, that clearly
13 stands out in your mind with respect to anything strange that
14 happened?

15 A Well, in retrospect, yes, but not at that time.

16 Q Was there something about a fireplace that you
17 recall?

18 A Yes. The fireplace didn't work and it almost wiped
19 out the apartment and us, too. Smoke came out. Yes, I do
20 remember that.

21 Q Now late during that evening as the party was break-
22 ing up, did you have a conversation with Mr. LaRue in which
23 he asked you to deliver an envelope to the home of Mr. William
24 Bittman?

25 A Yes.

DV

1 Q Did he then give you this envelope?

2 A Yes.

3 Q What did it look like?

4 A Ten by twelve, perhaps, or an eleven by twelve type
5 of manilla envelope, a routine looking type of envelope. It
6 was sealed where the flap is.

7 Q Do you recall whether there was any name written on
8 it or other marking on the outside?

9 A No, there was none.

10 Q There was none?

11 A No. I didn't look for any and I didn't see any.

12 Q Did you deliver the envelope that evening?

13 A Yes, I did.

14 Q Can you describe how you delivered it?

15 A The precise directions and that sort of thing?

16 Q Well, just in substance what you did with the envel-
17 ope.

18 A I don't know the street now, but I guess it was out
19 in the Potomac area.

20 Q That's Potomac, Maryland?

21 A I guess it is. I'm not that familiar with the
22 Maryland side. I drove by the house and lowered the window
23 of my car, an electric window on the lefthand side, and put the
24 package in the mailbox.

25 Q Had you previously on two other occasions delivered

DV

1 envelopes or packages to Mr. Bittman's mailbox?

2 A Yes.

3 Q When was the first time that that occurred?

4 A My recall now is worse than it was when I talked
5 with the FBI, but I think it was probably in February.

6 Q In February?

7 A Probably.

8 Q To the best of your recollection was the second
9 delivery in about late February or early March?

10 A Yes, probably in that time frame.

11 Q Did you on the occasion of the first delivery have
12 some problems about finding the house of Mr. Bittman and making
13 certain that that was the right mailbox?

14 A Yes, I did.

15 Q Can you describe briefly what happened at that
16 time?

17 A Well, as I recall it, I was informed that Mr.
18 Bittman's name would be on the mailbox. I had the specific
19 address number of the mailbox.

20 Mr. Bittman's name was not on the mailbox. As I
21 recall, I drove down the road to a telephone booth to make
22 sure that this was Mr. Bittman's mailbox, matching it up with
23 the number of the mailbox.

24 That's how I knew it was Mr. Bittman that I was
25 delivering it to.

DV

1 Q Now going back to your third and final delivery
2 in the latter part of March, Mr. Millican, approximately what
3 time did you leave the package in Mr. Bittman's mailbox to the
4 best of your recollection?

5 A Well, as you said earlier, the party was not breaking
6 up. I was leaving. I think the other guests stayed and I
7 think that I was just leaving. I think that it was about
8 tenish.

9 Q About 10:00 p.m.?

10 A Or 10:15 -- somewhere in that neighborhood.

11 Q When you left Mr. LaRue's house?

12 A Yes.

13 Q Mr. Millican, did Mr. LaRue tell you at any time
14 during the period in which you delivered these three envelopes
15 what was in them or why he was asking you to make these deliv-
16 eries?

17 A No.

18 Q Were the first two occasions on which you made
19 deliveries to him also occasions which were late evening
20 occasions following dinner parties or dinners when you were
21 together with Mr. LaRue?

22 A Yes. I went to his home, his apartment, frequently
23 and it was not an occasion of me going just specifically to
24 do something for him. I have known him since 1961, and Miss
25 Fredericks, his secretary, equally as long. In fact, she used

DV

1 to be my secretary a few years ago. We are very close friends.

2 MR. FRAMPTON: Fine. Thank you. May the witness

3 be excused, Mr. Foreman?

4 THE FOREMAN: You're excused, Mr. Millican.

5 (Whereupon, the witness was
6 excused.)
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P R O C E E D I N G S

Whereupon,

SHERMAN E. UNGER

was called as a witness and, having been first duly sworn by
the Foreman of the Grand Jury, was examined and testified as
follows:

BY MR. FRAMPTON:

Q Sir, could you state your full name for the Court
Reporter?

A Sherman Edward Unger.

Q And how do you spell your last name?

A U-n-g-e-r.

Q Mr. Unger, what is your address -- home address?

A 2918 Observatory Road, Cincinnati, Ohio.

Q And how are you employed?

A I'm a lawyer.

Q Now, Mr. Unger, are you acquainted with Mr. Fred
LaRue?

A Yes.

Q And how long have you known Mr. LaRue, approximately?

MRS. VOLNER: Could you speak up. The Grand Jury
can't hear you.

THE WITNESS: Since the summer of 1964.

BY MR. FRAMPTON:

Q Now, Mr. Unger, directing your attention to

DV

1 approximately late March of 1973, ~~did~~ you leave Cincinnati
2 and go on a trip for a number of days which included stops in
3 Philadelphia, New York and Washington, D. C.?

4 A Yes.

5 Q And during that trip, did you have occasion when
6 you were in Washington, D. C., to attend a dinner party at
7 the apartment of Mr. LaRue?

8 A Yes.

9 Q Now, do you recall if other people were present on
10 that occasion?

11 A Yes.

12 Q At Mr. LaRue's apartment?

13 A Yes.

14 Q Was a Mr. Manyon Millikin present that evening?

15 A Yes, though I had no independent recall of that un-
16 til it was suggested to me and then I remembered it.

17 Q But you do -- with your recollection refreshed, you
18 do recall that Manyon Millikin was there?

19 A That's correct.

20 Q And Mr. LaRue was there, I take it?

21 A That's correct.

22 Q And was Miss Laura Fredericks also present?

23 A Yes, she was.

24 Q And do you recall that anything particular happened
25 that evening which makes the evening stick in your mind?

DV

1 A I do. After my memory was ~~re~~freshed again, this
2 was the first time I'd been to LaRue's apartment -- his new
3 apartment -- and he was using his fireplace and it started
4 backing up and smoke started coming down into the room. He
5 was very embarrassed.

6 Q Now, Mr. Unger, during this trip to Washington, how
7 long did you stay in Washington, D. C.?

8 A Oh, probably less than 24 hours, I guess. I got
9 here around 4:30 or 5:00 o'clock on the 21st and left about
10 11:30 the next morning.

11 Q When you say the next morning, that would be on
12 March 22nd?

13 A That's correct.

14 Q And so the evening on which you went to dinner at
15 Mr. LaRue's house and the fireplace backed up and so on was
16 the evening of March 21st, 1973, was it?

17 A That is correct.

18 Q Now, Mr. Unger, do you keep a diary or appointment
19 book in which you record both appointments or notes about
20 activities coming up and also substantially contemporaneous
21 appointments or meetings that you've had?

22 A Yes.

23 Q And have you turned over several pages of that diary
24 to us, beginning on Sunday the 18th of March and ending on
25 Friday the 23rd of March, 1973?

DV

1 A Yes, I have.

2 MR. FRAMPTON: All right. For the record, I will
3 mark as Government Exhibit SU-1 of this date three pages,
4 diary pages, for March, 1973, beginning on Sunday the 18th
5 of March and ending on Friday the 23rd of March.

6 (Whereupon, Grand Jury Exhibit No.
7 SU-1 was marked for identification.)

8 BY MR. FRAMPTON:

9 Q Now, showing you these three pages, one day on each
10 side, is that the original copy of your diary?

11 A Yes, it is.

12 Q Now, Mr. Unger, on the page for the 19th of March --
13 which is a Monday -- there's a notation that says, "All day
14 SMS meeting. SU elected to BD." Could you explain what that
15 means?

16 A Yes. I was in King of Prussia, Pennsylvania, and I
17 attended a stockholders' meeting and was elected to the Board
18 of Directors of Sheridan Medical Services, a national software
19 company.

20 Q And did you travel, on the Monday evening, to New
21 York City?

22 A That is correct.

23 Q And there is an entry, is there not, on the bottom
24 of the page for March 19th, saying Metro to NYC?

25 A Yes.

1 Q And your diary for March 20th, Tuesday, that heading
2 is circled and the words are written "See next page," and, on
3 the next page, the date that was originally printed in the
4 diary, March 21, Wednesday, is crossed out and, instead, you
5 have written in there -- or there is written in there --
6 March 20, Tuesday. Is that your handwriting?

7 A That is correct.

8 Q And, similarly, for the 22nd, you have crossed that
9 out and written 21, Wednesday. Is that correct?

10 A That's correct.

11 Q Now, does the writing which you have put on these
12 papers, after crossing out the original printing, represent
13 the actual day for which the other entries were made in your
14 diary?

15 In other words, are the appointments which you have
16 written down here, on the page which is now marked in your
17 handwriting "March 20," are those appointments and activities
18 which you actually had on March 20th?

19 A The appointments and activities reflect the date
20 as changed at the top of the page.

21 Q As changed. And, as changed, your diary indicates,
22 at the top of the page for March 20, "NYC, Carlisle." Does
23 that indicate that you stayed at the Carlisle Hotel in New
24 York on the evening of the 19th, morning of the 20th?

25 A That is correct.

1 Q And did you remain in New York City that evening?

2 A Yes, I did.

3 Q And on March 21st, during the day, did you come to
4 Washington, D. C., from New York?

5 A Yes, I did.

6 Q Now, your diary indicates, on the evening of March
7 21, "Dinner at LaRue's." That, I take it, indicates the
8 evening you had dinner at Mr. LaRue's house?

9 A That's correct.

10 Q Now, in your diary for March 23, you have a line
11 drawn across the middle of the page, and on the top of the
12 line in parenthesis there are the words, "Thursday, fly Cin."
13 and below the line there is some other writing.

14 Would you explain the significance of this page and
15 the significance of the line which is drawn through the middle
16 of it?

17 A Well, I think earlier in the week I skipped Tuesday
18 and started recording Tuesday on the page designated Wednes-
19 day, and followed through Thursday and didn't catch it until
20 I got to Friday.

21 When I started recording Friday, I realized that
22 I'd already had some note-taking up there, and I went back
23 through and corrected the dates, at that time. I drew a line
24 through the March 23rd page, showing that under the line was
25 Friday, above the line was Thursday.

1 Q So on the page marked Friday, March 23, above the
2 line in your diary are activities -- indicated activities --
3 which you did on Thursday, March 22. Is that correct?

4 A That indicates activities I did on Thursday, March
5 22nd, and the compulation of monies that I spent during the
6 week on that trip.

7 Q And then on March 22 -- that is Thursday -- you
8 flew back to Cincinnati from Washington, D. C.? Is that
9 correct?

10 A That is correct.

11 (Whereupon, Grand Jury Exhibits Nos.
12 SU-2, SU-3, SU-4 and SU-5 was marked
for identification.)

13 BY MR. BEN-VENISTE:

14 Q Mr. Unger, in coming to Washington on the 21st, do
15 you recall where you came from?

16 A New York.

17 Q And do you recall what day you left New York?

18 A That day.

19 Q The 21st itself?

20 A Yes.

21 Q Now, I show you what has been marked Exhibit SU-4
22 for identification and ask you if that is your airline ticket
23 indicating that you traveled from New York to Washington on
24 the 21st of March?

25 A Yes, it is. It has my signature, it has my American

1 Express card number on it.

2 Q And you were able to locate that, at our request?

3 A That is correct.

4 Q And that indicates that you flew on American Airlines.

5 Is that correct?

6 A That is correct, and I think it's flight 395 that
7 departed at 3:30 p.m.

8 Q Now, I show you SU-2 for identification and ask you
9 whether that is your airline ticket indicating that you left
10 Washington for Cincinnati on the 22nd of March, 1973, at
11 approximately 11:10 a.m.?

12 A It is my ticket, yes. It so indicates.

13 Q And it shows that you flew on American Airlines, as
14 well, on flight 475, I think?

15 A That is correct.

16 Q And do you recall that these were, indeed, the dates
17 that you did travel and there was no change in your ticketing?

18 A That is correct.

19 Q You've also produced a document which we have marked
20 as SU-3, which appears to be a flight which you took from
21 Cincinnati leaving on 19 March --

22 A No. I believe it's leaving on 18 March.

23 Q 18 March, yes. I misread that. You're correct.
24 And you identify that as your ticket leaving Cincinnati?

25 A Yes. Sunday night.

1 Q Now, I show you what has been marked SU-5 for
2 identification and ask whether that appears to be your ledger
3 card for your stay at the Carlisle Hotel in New York, which
4 would indicate that on March 21st you were at the Carlisle
5 and stayed one day.

6 A No, I don't believe it would indicate that. It
7 would indicate that on March 21st I checked out. I was there
8 two days, and that's the total of the bill when I checked out.

9 Q And the bottom line, which indicates March 21, '73,
10 and the dollar amount and the total amount as to your account
11 at the Carlisle is reflected there?

12 A That is correct.

13 Q And March 21 indicates the day that you left the
14 Carlisle?

15 A That is correct.

16 Q And that is your recollection in addition to these
17 documents, I take it?

18 A That is correct.

19 Q Now, finally, when you stayed in Washington you
20 stayed at the Metropolitan Club, did you not?

21 A That's correct.

22 (Whereupon, Grand Jury Exhibit No.
23 SU-6 was marked for identification.)

24 BY MR. BEN-VENISTE:

25 Q I show you SU-6, which is a chit from the Metropolitan

1 Club, indicating that you stayed in Room No. 300 on March 21,
2 1973, and it's dated March 21, 1973, and it's a \$20.00 charge
3 for that room, and there's a member signature line on SU-6.

4 Is that your signature, Mr. Unger?

5 A No, it's not. It must have been signed for me at
6 the desk.

7 Q Do you recall this form as a regular procedure of
8 checking into the hotel, that such a form would be prepared,
9 indicating the room and the date you stayed there?

10 A The form would be prepared on the charges for the
11 room. The rooms are different prices and it's a chit a member
12 can send for if he questions his monthly voucher, but I
13 usually don't send for it. I didn't, in that case, because
14 I knew I stayed there.

15 Q Do you recognize your signature on this document?

16 A This is my signature.

17 MR. BEN-VENISTE: We'll mark that SU-7. 

18 (Whereupon, Grand Jury Exhibit No.
19 SU-7 was marked for identification.)

20 BY MR. BEN-VENISTE:

21 Q This is also a chit from the Metropolitan Club and
22 this is a bar bill at the club time stamped March 21, 1973.
23 Is that correct?

24 A That is correct.

25 Q And you identify this as your signature at the top

1 where it says "member's signature"?

2 A That is correct.

DV

3 Q And I assume the regular procedure is that, after
4 you have some drinks at the bar, someone brings a chit or a
5 tab for you to sign, and that's the way you would sign it?

6 A That is correct. It comes with the drinks.

7 Q And it is dated?

8 A Yes.

9 Q Now, can you recall, Mr. Unger, when the next time
10 you saw Mr. LaRue was after the 21st of March?

11 A I'm sure it was in Florida sometime.

DV

12 Q Can you approximate how long thereafter?

13 A Months. It would have been months afterwards.

14 Q Certainly more than one month?

15 A Yes.

16 Q And how about the time prior to March 21st when you
17 saw Mr. LaRue?

18 A I would have seen him, I believe, between the In-
19 augural and March 21st in Washington.

20 Q Can you recall the closest time you might have seen
21 him to March 21st? Was it more than a couple of weeks, do you
22 think?

23 A It would be sometime after January 21st, say within
24 that sixty day period I think I might have seen him, but I
25 have no recall. I would have to go back to my diary.

1 Q Was it more than several days? More than a week,
2 say, prior to the time you had dinner?

3 A Oh, yes, yes.

4 Q Possibly more than two weeks?

5 A Yes. Probably, I would guess, a month at least
6 before, but I think I was here once between the Inaugural and
7 this time and I probably would have seen him.

8 MR. BEN-VENISTE: I have no further questions at
9 this time. Do any members of the Grand Jury have questions?

10 THE FOREMAN: I have no questions.

11 MR. BEN-VENISTE: If that's the case, then, I would
12 ask that Mr. Unger be excused.

13 THE FOREMAN: Thank you, Mr. Unger, you're excused.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness was excused.)

16

17

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23

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25

18

MARCH

73 77th day - 288 days follow

Purim

Second Sunday of Lent

lee



10.4

looked at Chandler jeep again

Drove to Lin airport 110 miles

missed Macalene call

TWA #532 to Phil. 3⁴⁰ → 5⁵⁷

Tennis w/ Macalene

Dinner Macalene + Mary

MARCH 19 MONDAY

1973 78th day - 287 days follow

Shushan Purim

All day SMS meeting

SH elected to bd

Metro to N.Y.C. waited for
Dan Clumiller call - no call

DV

TUESDAY 20 MARCH

973 79th day - 286 days follow

See next page

DV MARCH 20 ~~Wed Tue~~
~~21~~ WEDNESDAY

NYC - Carlyle

1973 80th day - 285 days followi

12⁴⁵ to Lita Bergman - Fred Louisa, Bob
 Arkinson, Alse Schneider re
 representing

R+T Club

4³⁰ Union League Club, Park + 38
 Larry McFall, Bob Arkinson re
 re West. Union in DC
 (McFall Ch of Bd of W.U.)

6¹⁵ Drinks w/ Arkinson re C+M
 internet battle

DV

Wed 21 ~~Thurs~~
WEDNESDAY 22 MARCH

(773 81st day - 284 days follow

○ Lunch John Campbell downtown club
re association + D.C. office space
taxes 12.00

Fly D.C. stay Metro Club

Dinner at La Rue's

DV

MARCH

23

FRIDAY

DV

1973 82nd day - 283 days follow

(Thru - Fla Cin.) Airport parking 8⁰⁰
 Air fare Phil. N.Y. D.C. Cin (Hotel 21⁹¹) 125⁰⁰
 Motor Phil. N.Y. 6²⁵ Hotel 124³⁸ Food 15⁰⁰ per day
 Taxi 35⁰⁰ total 383⁵⁴

Drive 44 miles to home assistant

Lunch Acc. - WRS et al re
 Old Smeethman case

drive to lunch 8 miles

Drive bar - Nancy's

Conf w/ John Morgan re Cund's
 in Ky - Not much

~~Drive 270 miles to home~~

Dinner + Ron Nancy

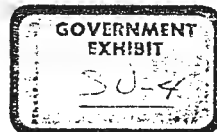
DV

DV

6410880087



0937111193 200 0000 00000012200



62609500071

0937111193 200 0000 0000002600



61900700020

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DV

x <i>Sluggs</i> MR. S. UNGER		1974 12 73		015:4201658:522 UNGER 12 1973 196	
1	2	3	4	5	6
1	2	3	4	5	6
CINCINNATI		32F 3/13 3 ¹⁰ 6X		AX	
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CINCINNATI		3 6 9 12		VALID 01 73 THRU 08 73	
112.96	9.04	122.00	8737993	4201688522 3	SHERMAN UNGER

I ACKNOWLEDGE RECEIPT OF TICKET(S) AND/OR COUPONS FOR RELATED CHARGES DESCRIBED HEREON. PAYMENT IN FULL TO BE MADE WHEN BILLED OR BY EXTENDED PAYMENTS IN ACCORDANCE WITH STANDARD POLICY OF COMPANY ISSUING CARD AND AS REFLECTED IN APPLICABLE TARIFFS.		UNIVERSAL CREDIT CARD CHARGE FORM American Airlines 001		3. CONTRACTOR INVOICE COPY		DATE AND PLACE OF ISSUANCE 21 MAR 73	
X <i>[Signature]</i>		DATE OF ISSUE 21 MAR 73		IF EXTENDED PAYMENT DESIRED, CIRCLE NO. OF MONTHS 3 6 9 12		1559 AAL INC NEW YORK-LGA 1559 NEW YORK	
STATE OF PARTISANSHIP IF OTHER THAN NATIONALITY COMPLETE ROUTING		STATE NO. 4		CONNECTION OF PASSENGER WITH RESIDENCE APPROVAL CODE <i>[Signature]</i>		0151	
NEW YORK WASHINGTON		TICKETS NOT REFUNDABLE NO CASH REFUNDS		AIRLINE FORM SERIAL NO. 001:409 0:372:765		FORM OF CREDIT 3881	
24.01 193		26.00		093 711 119 3 200AX		VALID 01 73 THRU 08 73 68 SHERMAN UNGER	

I ACKNOWLEDGE RECEIPT OF TICKET(S) AND/OR COUPONS FOR RELATED CHARGES DESCRIBED HEREON. PAYMENT IN FULL TO BE MADE WHEN BILLED OR IN EXTENDED PAYMENTS IN ACCORDANCE WITH STANDARD POLICY OF COMPANY ISSUING CARD AND AS REFLECTED IN APPLICABLE TARIFF.						UNIVERSAL CREDIT CARD CHARGE FORM						DATE AND PLACE OF ISSUE					
American Airlines 0011 CONTRACTOR INVOICE COPY												IF RECORDS PAYMENT DESIRED, CIRCLE NO. OF MONTHS					
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3611 39.00 085390 SHERMAN UNGER																	

MR. SHERMAN UNGER
2918 OBSERVATORY ROAD
CINCINNATI, OHIO 45208

The Carlyle

ON AVENUE AT 76TH STREET
NEW YORK
RHINELANDER 4-1800
INT'L TELEX 620692

DV

MEMO		DATE	EXPLANATION	CHARGES	CREDITS	BAL DUE
February	1	MAR - 1-73	FWARD CCOS	*121.75		* 121.75
	2					
	3					
	4					
	5					
	6					
	7					
	8					
	9					
	10					
	11					
	12					
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	14					
	15					
	16	MAR - 2-73	FWARD	*192.18		* 313.93
	17	MAR 13-73	FWARD —	* 87.17		* 401.10
	18	MAR 21-73	FWARD —	*124.39		* 525.49
	19					
	20					
	21					
	22					
	23					
	24					

Please accept this note as a friendly reminder
of the overdue balance on your account.

Or, if you have made a very recent payment
— Many thanks.

THE CARLYLE

A - LIMOUSINE
B - BAGGAGE
C - CIGARETTES
D - DRUGS

G - BARBER SHOP
H - BEAUTY PARLOR
N - NEWSPAPERS

LAST BALANCE IS
AMOUNT DUE UNLESS
OTHERWISE INDICATED



PLEASE MAKE CHECKS PAYABLE TO THE ORDER OF THE CARLYLE, NEW YORK, N.Y. 10021

BAR

70765

MEMBER'S SIGNATURE

WAITER NO.	NO. SERVED	DATE
		MAR 21 1963

1	W Martini	150
1	Vodka	150
		<hr/> 3.00
TAX		18
TOTAL		3.18

SU-7

ROOMS

Serman Zinger
MEMBER'S SIGNATURE

MEMBER'S SIGNATURE _____

DATE _____

DATE
MAR 2 - 1973

ROOM NO.	300	20 00
TAX		1 20
TOTAL		21 20

SU-6

85

1 A I did receive an envelope during that period of time,
2 and I am not sure whether it was in December or not. I just
3 don't know.

4 Let me tell you why I have difficulty with it. I
5 was out of town from December 22nd until late January 2nd.
6 Mr. Hunt was also out of town sometime after his wife was
7 killed, when he went to Florida with his family.

8 I think it somewhat unlikely that I did receive an
9 envelope for him during that period of time, but I could have.
10 I did receive envelopes for him.

11 Q Between October 13th and to date --

12 A Not including the one on October 13th?

13 Q Not including the one on October 13th, how many
14 envelopes have you received in a fashion similar to the fashion
15 you received the one on October 13th for yourself or for Mr.
16 Hunt from this Mr. Rivers or Mr. Baker?

17 A None of them were for myself.

18 Q Well, how many for Mr. Hunt then?

19 A You say in the same fashion?

20 Q Either to your office or your home.

21 A I believe there were four. There might have been
22 three, but I believe there were four.

23 Q Can you describe how those were delivered, and
24 approximately when those were delivered?

25 A I can't give you the dates except for the last one.

DV

10/26

86 1 I would receive a telephone call either at my office or at
2 my home, and a man who identified himself as Mr. Baker on
3 the phone.

4 Let's say for example, it was at my home. I usually
5 work late and don't get home until eight, nine, or ten o'clock
6 at night.

7 I would get a call in the evening: "Mr. Bittman,
8 this is Mr. Baker. Will you be home at 11:30 tonight?" I
9 would say, "Yes, I will."

10 He would say, "Will you deliver an envelope to Mr.
11 Hunt?", and I would say, "Yes, I will." He would say, "We'll
12 leave it in your mailbox", and I would say, "Fine."

13 I would then go out to the mailbox at approximately
14 11:30 or whatever time it was. I would get the envelope,
15 bring it into my home.

16 The next morning I would call Mr. Hunt and tell Mr.
17 Hunt about the telephone call. He would come to my home at
18 about 7:30 in the morning. I would give him the envelope, un-
19 opened. He would take it to his home, and that would be it.

20 That same modus operandi took place in all the
21 instances with respect to the envelopes that I received at
22 my home. They were all delivered to Mr. Hunt unopened.

23 Q To the best of your recollection this occurred three
24 or four times during that period -- let's say December to
25 April 1st, December of '72 to April of '73.

DV

1227

1 A That's my recollection.

2 Q I believe you told us that to the best of your
3 recollection there were two of these deliveries in late
4 January or early February, 1973, and a final delivery sometime
5 about March 21, 1973.

6 A I am not certain at all when these envelopes came
7 in except for the last one, because I think it was within two
8 or three days before he was sentenced.

9 The other envelopes that I gave to Mr. Hunt really
10 would have no significance to me whatsoever, so I have no idea
11 when that took place.

12 Q But other than the final envelope which you received
13 on or about March 21, it is your recollection that there were
14 two or three others and they were received in late January or
15 early February? Is that correct?

16 A I would say possibly one in December. I just don't
17 know. The others would have been January or February. Yes,
18 sir.

19 Q When did Mr. Hunt make payments of legal fees to
20 your firm, on what dates?

21 A Well, the legal fees that Mr. Hunt paid to me in
22 January and in April came directly from the proceeds of his
23 deceased wife's insurance policies.

24 Q The dates and the amounts?

25 A The dates were, as I said before, January 23. I

DV

1 ticket, a transfer. We did assist him in that sense. I
2 didn't do it personally, but someone in our firm did.

3 Other than that, we had nothing else to do with it.

4 BY MR. FRAMPTON:

5 Q Going back to the envelopes which were delivered to
6 you for Mr. Hunt, it is your testimony, is it, that when the
7 individual, Mr. Baker, called up to arrange to make these
8 deliveries to you, that he told you that these envelopes were
9 for Mr. Hunt?

10 A Absolutely.

11 Q Did the envelopes, when they arrived, have anything
12 written on them, on the outside of them?

13 A I don't think anything was written on them.

14 Q They were just plain blank envelopes?

15 A They were blank envelopes and they were left in
16 my office.

17 Q Did Mr. Hunt subsequently tell you what was in the
18 envelopes?

19 A He did.

20 Q What did he tell you?

21 A In connection with his Grand Jury proceedings, he
22 told me that there was cash in the envelopes.

23 Q Did he tell you how much cash was in each of the
24 different envelopes that he received?

25 A Eventually in his testimony before the Senate and

DV

1 the Grand Jury, I learned that.

2 Q What did you tell you were the amounts?

3 A He told me that in the first envelope there was
4 \$15,000, \$12,000 of which he sent to these friends, the Cuban
5 Americans, \$3,000 of which he kept for living expenses.

6 He said that the next delivery of \$50,000 could
7 have come in either one or two packages or envelopes. He's
8 not sure, totalling \$50,000, and the last delivery of \$75,000.

9 That is what I learned from Mr. Hunt in connection
10 with his testimony before the Grand Jury and before the
11 Senate committee.

12 Q Since you had already received two cash payments
13 yourself which had been opened by you or in front of you in
14 July and October, 1972, weren't you well aware that these
15 envelopes in fact contained cash?

16 A I was not well aware.

17 Q When you passed them to Mr. Hunt?

18 A I was not well aware.

19 Q You were not well aware of that?

20 A I was not. Mr. Baker never told me there was any
21 cash in those envelopes.

22 BY MR. BEN-VENISTE:

23 Q Did you suspect that there was?

24 A I would say particularly with the last payment be-
25 cause of the timing of it, shortly before he went to jail.

DV

1 But I had no specific knowledge that there was cash in those
2 envelopes.

3 Q Short of opening them, the entire history of your
4 dealings with people who identified themselves as Rivers and
5 Baker indicated to you, did it not, that the probability was
6 that there would be cash in those envelopes?

7 A Well, I never thought about it in those terms. My
8 recollection is, Mr. Ben-Veniste, that those first two payments
9 came from Rivers. Baker was a new entity.

10 I now know from Mr. LaRue's testimony that he claims
11 that he's the one who called me in October.

12 Q Well, Mr. LaRue has testified here. My question is
13 simply whether at the time you thought it probable that they
14 contained cash.

15 A I can't say I thought it probable. If I thought it
16 probable, I would have made no notation at my home and I
17 would be able to tick off, chapter and verse, the dates of the
18 receipts and every word that Mr. Baker told me had I thought
19 there was anything unusual about it.

20 Q Did you inquire of Mr. Baker or anyone else as to
21 why you were receiving these envelopes?

22 A I did not, and I wish I had.

23 Q Did there come a time when you had a conversation
24 with Mr. McCord -- I have just one or two more questions and
25 then we'll be finished. Some of the Grand Jurors have to

DV

DV

1 A Yes, sir. I also, at that time in the conversation
2 with Mr. O'Brien, told him specifically what my legal fees had
3 amounted to, at that time.

4 Q You said, as a matter of fact, you counted up to
5 about \$70,000 living expenses and \$60,000 legal fees, something
6 like that?

7 A Whatever it was.

8 Q Does that sound about right?

9 A I would guess 50 or 60.

10 Q And a few days after this conversation with Mr. O'Brien
11 you received a package of cash amounting to \$75,000?

12 A Yes, sir.

DV

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE
COMMITTEE ON THE JUDICIARY.

1 packages, did you receive another delivery of cash?

2 A I did. I received a final delivery of cash.

3 Q After that \$50,000, you received only one more de-
4 livery, is that correct?

5 A Yes, sir.

6 Q And that was for \$75,000?

7 A Yes, sir.

8 Q And can you remember the approximate date of that
9 delivery?

10 A I would place it as on or about the 20th of March.

11 Q On or about the 20th of March?

12 A Of this year.

13 Q Of 1973, is that correct?

14 A Yes, sir.

15 Q And that followed by a period of about a week or so,
16 did it, after your private conversation with Mr. O'Brien about
17 which you previously testified today?

18 A Yes, sir, it did.

19 Q And what did you do with that \$75,000?

20 A I had the checks issued in the amount of \$60,000 to
21 Mr. Bittman and I placed the rest of the money -- made it
22 available to the household for the household expenditures.

23 Q How did you receive that \$75,000?

24 A Under the same circumstances, the same delivery method.
25 I got the telephone -- to be specific, I received a telephone

DV

1 call from Mr. Bittman indicating he had an envelope at his
2 house -- we only live about a mile apart. I drove over, I
3 believe, in the morning to pick it up before he left for the
4 office; received the envelope unopened from him; drove back to
5 my home; opened the envelope; counted the money.

6 Q Did you receive any other cash deliveries or cash
7 or packages of cash in addition to those that you have told the
8 Grand Jury about, during the period December 8th to, let's say,
9 April 15, 1973?

10 A I was incarcerated on March 23rd.

11 MR. FRAMPTON. Fine. I'm finished. Those are all
12 the questions. Thank you, Mr. Hunt. Could you step outside
13 for just a moment, please, and I'll ask the Grand Jurors if
14 they have any questions.

15 (Whereupon, the witness left the Grand
16 Jury Room.)

17 (Whereupon, the witness returned to the
18 Grand Jury Room.)

18 MR. FRAMPTON: Mr. Hunt, you understand that you're
19 still under oath?

20 THE WITNESS: Yes, sir.

21 MR. FRAMPTON: Mr. Foreman, are there some questions
22 that either you or other members of the Grand Jury would like
23 to ask Mr. Hunt?

24 THE FOREMAN: Mr. Hunt, you indicated, during your
25 testimony, that you had some involvement or some participation

DV

1 Q Now, did Mr. Mitchell, at that time, indicate to
2 you, one way or another, whether Mr. Hunt would be paid?

3 A No, he did not.

4 Q Thereafter, did you have a conversation with Mr.
5 LaRue?

6 A Yes, I did.

7 Q And what was the substance of that conversation?

8 A Mr. LaRue wanted to know what I was going to do
9 about the problem that had raised, and I told him, nothing;
10 that I was out of that business.

11 He then asked me what I thought he should do and
12 I told him I thought he ought to talk to Mitchell about it.

13 Q Now, after the meeting on the 21st with the Presi-
14 dent and, for a portion, Mr. Haldeman, did you learn from
15 anyone whether Mr. Mitchell had been contacted with respect
16 to coming down to Washington and meeting with you and Mr.
17 Haldeman and the President and Mr. Ehrlichman?

18 A Yes, I did.

19 Q And when did you learn that?

20 A Sometime on the 21st, I learned it from Mr. Halde-
21 man. Originally, it had been hoped that Mr. Mitchell could
22 come down immediately but, for some reason, he couldn't come
23 down until the next morning. So a meeting was scheduled for
24 the next morning.

25 Q Now, later on in the day, on the 21st, you had a

DV

1630

Mr. MITCHELL. Yes, sir.

Mr. DASH. Now, when did you leave your position as the director of the campaign?

Mr. MITCHELL. On the 1st of July 1972.

Mr. DASH. And when you left, you were aware, were you not, that Mr. Magruder was staying on as deputy director of the campaign.

Mr. MITCHELL. Yes, he stayed on as Mr. MacGregor's deputy.

Mr. DASH. And were you not aware when you were leaving that Mr. Magruder at least faced some serious problem of being indicted on the break-in of the Democratic National Committee headquarters as of July 1?

Mr. MITCHELL. As of July 1? I think that was a potential, yes.

Mr. DASH. Now, you did meet with the President on June 30, 1972, just before you left. As I understand, you had lunch with the President.

Mr. MITCHELL. That is correct, sir.

Mr. DASH. Did you think it your duty to tell the President at that lunch before you left that the man who was playing such a key role in his campaign, Magruder, had such a problem that he might be indicted for the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. Mr. Dash, I think you and I have gone over to the point where we have established that the White House horror stories had come out in connection with the problem at that particular time and there wasn't the question of lifting of the tent slightly in order to get with respect to one individual or another; it was a keeping the lid on and no information volunteered.

Mr. DASH. Even if the lid had been kept on the so-called White House horrors, wouldn't it be very embarrassing to the President of the United States in his effort to be reelected if his deputy campaign director was indicted in the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. I don't think as far as the Watergate was concerned, there was a hell of a lot of difference between the deputy campaign director and the counsel for the finance committee and the security officer. Quite frankly, as far as the Watergate was concerned, that was already a public issue. It was the parties that were involved.

Mr. DASH. There came a time, did there not, Mr. Mitchell, that the pressures for money by the defendants or by Mr. Hunt increased?

Would you tell us what you know about that?

Mr. MITCHELL. Well, I am not sure, Mr. Dash, that I can tell you very much about them other than the fact that somewhere along in the fall, Mr. Hunt had a telephone conversation with Mr. Colson, which, I think, covered the subject matter and then later on, as I recall, Mr. Dean has got in the record a letter from Mr. Hunt to Mr. Colson, which I think is quite suggestive of the fact that he was being abandoned.

Then I heard later on, in March of this year, there were oral communications from either Hunt or his attorney relating to requests for legal fees and so forth, which were communicated to the White House.

Mr. DASH. How did you hear about the March request?

Mr. MITCHELL. The March request? I think I probably heard about it through Mr. LaRue, if my memory serves me right.

Mr. DASH. Do you know how much money was actually being requested at that time?

1631

Mr. MITCHELL. I can't really tell you about the moneys across this period of time. It seems to me that the March request had some amount in the area of \$75,000 which Mr. LaRue described to me, that was being requested by counsel for their legal fees in connection with the representation of Mr. Hunt.

Mr. DASH. Did Mr. LaRue ask you what your opinion was or whether he should pay that amount of money to Mr. Hunt or his counsel?

Mr. MITCHELL. Mr. LaRue, to the best of my recollection, put it in this context: I have got this request, I have talked to John Dean over at the White House, they are not in the money business any more, what would you do if you were in my shoes and knowing that he made prior payments? I said, if I were you, I would continue and I would make the payment.

Mr. DASH. And in that advice to Mr. LaRue, I take it, was the consideration that unless that payment was made, Mr. Hunt might in fact uncover the so-called White House horror stories.

Mr. MITCHELL. Mr. Dash, I don't know how you can move from the fact that Mr. LaRue told me that it was for legal fees to the point where we are uncovering the White House horror stories. It may be there. I don't know.

Mr. DASH. Didn't that enter your mind, the pressure from Mr. Hunt, the fact that you indicated there were requests and former pressures for money, to the—

Mr. MITCHELL. I don't think, Mr. Dash, that in March of 1973, those things were entering my mind, because I think as you are well aware from other testimony, I had refused to even consider raising money for these purposes a long time before that.

Mr. DASH. But you are aware that there was a sum of money available for that at the White House, were you not?

Mr. MITCHELL. I was aware that there had been one at one time, but I didn't know how far Liddy had gotten into that particular fund.

Mr. DASH. Since the \$350,000 had come over from the Committee for the Re-Election of the President to the White House—

Mr. MITCHELL. That is the only fund I was aware of, yes.

Mr. DASH. Why, Mr. Mitchell, did you refuse around that time to raise any money for the payment of these fees?

Mr. MITCHELL. Well, not only around that time, but all other times. I have never raised any money for anything and I was not about to start for that particular purpose.

Mr. DASH. Did you ever make any suggestions that the money that should be used for that purpose was the \$350,000?

Mr. MITCHELL. No, to the best of my recollection, I had a conversation with Mr. LaRue, I am sure at his instance, not mine, in which he pointed out that the funds, whatever source they were, that he had for the support of and the payment of lawyers' fees of these individuals, had run out, did I know whether there was any other money? And I suggested that maybe you ought to call over to the White House and see if the \$350,000 that had been sitting over there since April was available for the purpose. I understand that he did so.

Mr. DASH. Do you recall attending a meeting in January with Mr. Kalmbach and Mr. Dean in which you asked Mr. Kalmbach to help raise money for these legal fees and support of families? That occurred in January 1973.

(1237)

72. On April 17, 1973 the President issued the following public statement:

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

In his address to the nation of April 30, 1973 the President stated that in March 1973 he received new information regarding the involvement of members of the White House staff in the Watergate affair, and that:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

Page

72.1	President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.....	1240
72.2	President Nixon address to the nation, April 30, 1973, 9 Presidential Documents 433-34.....	1241

For a term expiring October 26, 1976

Mrs. JOUETT SHOUSE, of Washington, D.C., business and civic leader, Washington, D.C.

JOHN T. CONNOR, of Morristown, N.J., president and chief executive officer, Allied Chemical Corp., New York, N.Y.; and former Secretary of Commerce.

For a term expiring October 26, 1974

MITCHELL I. KAFARSKI, of Bloomfield Hills, Mich., chairman of the board, president, and treasurer, Aactron, Inc., Madison Heights, Mich.

WILLIE L. LEFTWICH, of Washington, D.C., attorney, Hudson and Leftwich, Washington, D.C.

The President also announced the designation of Mr. Quesada to serve as Chairman and Mr. Bruckmann to serve as Vice Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation.

In addition to the eight members appointed by the President the Board of Directors also consists of the following: Secretary of the Interior, Secretary of the Treasury, Secretary of Housing and Urban Development, Secretary of Transportation, Administrator of General Services, Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council. The eight members appointed by the President will serve terms of 6 years once the initial staggered terms have expired.

The Pennsylvania Avenue Development Corporation was established by the Pennsylvania Avenue Development Act of 1972 (Public Law 92-578) to provide for the preparation and carrying out of a development plan for the area between the White House and the Capitol.

The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard Garment. They have been talking about ground rules which would preserve the separation of powers without suppressing the facts.

I believe now an agreement has been reached which is satisfactory to both sides. The committee ground rules

as adopted, totally preserve the doctrine of separation of powers. They provide that the appearance by a witness may, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second announcement concerns the Watergate case directly.

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed the appropriate authorities.

As I have said before and I have said throughout this entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter who is involved.

Thank you.

NOTE: The President spoke at 4:42 p.m. in the Briefing Room at the White House.

and evidence with the appropriate authorities, and I should spend the time necessary in relation thereto.

One of the toughest problems we have in this life is in seeing the difference between the apparent and the real, and in basing our actions only on that which is real. We all must do that more than we do. I have confidence in the ultimate prevalence of truth; I intend to do what I can to speed truth's discovery.

Therefore, Mr. President, I submit to you my resignation. There are on the Domestic Council staff so many

good people of ability that I am confident a transition of my responsibilities can be affected without loss of progress. I will do all I can to assist in accomplishing the transition.

Yours sincerely,

JOHN D. EHRLICHMAN,
Assistant to the President.

[The President, the White House, Washington, D.C.]

NOTE: For a statement by the President announcing the resignations, see the preceding item. For the President's address to the Nation, see the following item.

THE WATERGATE INVESTIGATION

The President's Address to the Nation. April 30, 1973

Good evening:

I want to talk to you tonight from my heart on a subject of deep concern to every American.

In recent months, members of my Administration and officials of the Committee for the Re-election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity.

The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself. Tonight I wish to address those questions.

Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate break-in. I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the Re-election Committee were apparently among those guilty. I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House Staff were false. The comments I made during this period, and the comments made by my Press Secretary in my behalf, were based on the information provided to us at the time we made those comments. However,

new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

I again ordered that all persons in the Government or at the Re-election Committee should cooperate fully with the FBI, the prosecutors, and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from government service. And, with ground rules adopted that would preserve the basic constitutional separation of powers between the Congress and the Presidency, I directed that members of the White House Staff should appear and testify voluntarily under oath before the Senate committee which was investigating Watergate.

I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved.

At the same time, I was determined not to take precipitate action, and to avoid, if at all possible, any action that would appear to reflect on innocent people. I wanted to be fair. But I knew that in the final analysis, the integrity of this office—public faith in the integrity of this office—would have to take priority over all personal considerations.

Today, in one of the most difficult decisions of my Presidency, I accepted the resignations of two of my closest associates in the White House—Bob Haldeman, John Ehrlichman—two of the finest public servants it has been my privilege to know.

I want to stress that in accepting these resignations, I mean to leave no implication whatever of personal wrongdoing on their part, and I leave no implication tonight of implication on the part of others who have been charged in this matter. But in matters as sensitive as guarding the integrity of our democratic process, it is essential not only that rigorous legal and ethical standards be observed, but also that the public, you, have total confidence that they are both being observed and enforced by those in authority and particularly by the President of the United States. They agreed with me that this move was necessary in order to restore that confidence.

Because Attorney General Kleindienst—though a distinguished public servant, my personal friend for 20 years, with no personal involvement whatever in this matter—has been a close personal and professional associate of some of those who are involved in this case, he and I both felt that it was also necessary to name a new Attorney General.

The Counsel to the President, John Dean, has also resigned.

As the new Attorney General, I have today named Elliot Richardson, a man of unimpeachable integrity and rigorously high principle. I have directed him to do everything necessary to ensure that the Department of Justice has the confidence and the trust of every law abiding person in this country.

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have

73 . On the evening of March 21, 1973 the President dictated his
recollections of the events that had occurred on that day.

Page

73.1 Dictabelt recording of the President's
recollections of March 21, 1973, and
House Judiciary Committee transcript
thereof.....1244

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF
FOR THE
HOUSE JUDICIARY COMMITTEE
OF THE PRESIDENT'S CASSETTE RECORDING
OF HIS RECOLLECTIONS OF MARCH 21, 1973

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF THE
PRESIDENT'S CASSETTE RECORDING OF HIS RECOLLEC-
TIONS OF MARCH 21, 1973.

PRESIDENT:

As far as the day was concerned it was relatively uneventful except for the, uh, talk with Dean. Dean, really in effect let it all hang out when he said there was a cancerous growth around the President that simply was going to continue to grow and that we had probably to cut it out now rather than let it grow and destroy us later. He obviously is very depressed and doesn't really see anything--other course of action open, but to, uh, move to let the, uh, the facts out. Paragraph.

As I examined him it, uh, seems that he feels even he would be guilty of some, uh, criminal pra--, uh, liability, due to the fact that he, uh, participated in the actions which, uh, resulted in taking care of the defendants, while they were, uh, under trial. Uh, as he pointed out, uh, what is causing him concern is that every one of the various participants is now getting his own counsel and that this is going to cause considerable problems, because it will be each man for himself, and, uh, one will not be afraid to rat on the other. As a matter of fact, uh, Haldeman backed him up in this respect, when, uh, he mentioned the fact that, uh, even Magruder would, uh, bring Haldeman down if he, would, uh, if he felt that he himself was to go down. Haldeman said he agreed. Uh, the Haldeman selection on Magruder is still a very hard one for me to figure out. He was, he's made very few mistakes, but this is

one case where Rose was right. He picked a rather weak man, who had all the appearance of character, but who really lacks it when the, uh, chips are down. It seemed to me in my talk with Dean that the idea of a Grand Jury had, uh, much to, uh, be said for it. Yet after he, Haldeman and Ehrlichman had met they came back and said they'd been around the track and felt that that would be a mistake. Ehrlichman did not feel, for example, that a Grand Jury or some sort of a special panel which Dean thought could be set up, uh, would be able to grant immunity. Uh, the Grand Jury appealed to me because, uh, it seemed to me this would be much better to have the White House, uh, people appear before a Grand Jury with some rules of evidence than to, uh, be forced, uh, eventually to appear before a Committee of the Congress, where there would be none. Of course, the other option is for them not to appear at all, but this puts the buck right back on the President, as Dean pointed out, and leaves, uh, not only the aura of cover-up but also the, uh, very great danger that somebody like H-- Hunt is going to blow. Paragraph.

Hunt seems to be a real problem according to, uh, Dean. What really concerned him was that somebody approached him, Hunt's lawyer, at some party and said that Hunt needed a hundred and -- thousand dollars or so to pay his lawyer and handle other things or he was going to have some things to say that would be very detrimental to Colson and Ehrlichman, et al. This is, uh, Dean recognizes as pure blackmail. Of course, Hunt's in a pretty bad position on this because it would expose him to another

charge, but I suppose that what he might be figure is that if he, uh, turns state's evidence he could, uh, go free himself. Paragraph.

I feel for all of the people involved here, because they were all, as I pointed out to them in the meeting in the EOB this afternoon, involved for the very best of motives. Uh, I don't think that, uh, certainly Haldeman or Ehrlichman had any idea about bugging, I, I and of course know Dean didn't. He in fact pointed out that when, uh, Liddy had first presented this scheme it was so wild that Mitchell sat puffing his pipe rather chuck -- or rather, uh, chuckling all the while, that Dean had then pointed out, uh, later to Ehrlichman that, uh, to, uh, Mitchell that they had to get off of this kick right away. Uh, then came the, uh, real cruncher: Apparently what had happened is that Colson, with Liddy and Hunt in his office, called Magruder and told him in February to get off his ass and start doing something about, uh, setting up some kind of an operation. Uh, this involvement by Colson, of course, is, uh, uh, was perhaps the very best intention and it may be that he is telling the literal truth, when he says he doesn't know what they were going to do in terms of bugging, etcetera. Yet, uh, Colson was always pushing terribly hard for action, and in this instance, uh, pushed so hard that, uh, Liddy et al, following their natural inclinations, uh, went, uh, the extra step which got them into serious trouble. Period. Paragraph.

I learned for the first time that, uh, Ehrlichman apparently had sent Hunt and his crew out to check into Ellsberg, uh, to see something

about his, uh, check something about his, uh, uh, psychiatric problem with his doctor, or something like that. That seemed to me to be a very curious junket for, uh, Ehrlichman to be involved in. Ehrlichman says that, uh, he was three or four steps away from it, but apparently Krogh has a problem here because Krogh did answer one question to the effect that he did not know the Cubans, which, of course, puts him in a straight position of perjury. This of course would be a terrible tragedy because Krogh, uh, was involved in national security work at the time, had nothing whatever to do with Watergate and the whole Ellsberg business, uh, was something was undertaken solely for the purpose of, uh, attempting to get information which would be helpful in, uh, working up some of the Government's case, uh, on the, uh, Pentagon papers. It seems that Strachan has been a real, uh, courageous fellow through all this. He apparently certainly had knowledge of the informa-- of the matter, and, uh, according to uh, uh, uh, Dean, uh, Strachan apparently transferred the \$300,000 or so that Haldeman had l-- that was left to Haldeman after the 1969 campaign -- '68 campaign -- had transferred it back to the Committee. Uh, I don't think that this is the problem that Dean seems to think it is, but of course he's -- has to warn against every loose end that might come out, particularly in view of some of the things that have come out up to this point. They are going to meet with Mitchell in the morning, and I, uh, hope that Mitchell will really put his mind to this thing and perhaps out of it all can come so -- some sort of a course of action we can follow. Uh, it seems to me

*73.1 TRANSCRIPT OF DICTABELT RECORDING OF THE PRESIDENT'S
RECOLLECTIONS OF MARCH 21, 1973, 1-5*

just to hunker down without making any kind of a statement is really,
uh, too dangerous as far as the President -- [57 second silence] I
got over to the house quite late --

74. On the morning of March 22, 1973 at 11:00 a.m. H.R. Haldeman, John Ehrlichman, John Mitchell and John Dean met in Haldeman's office. Haldeman, Ehrlichman and Dean have testified that at this time Mitchell indicated that E. Howard Hunt was not a "problem any longer." Mitchell has denied making such a statement. At this meeting, according to Ehrlichman and Haldeman, Mitchell stated that the Administration's rigid executive privilege policy was untenable, both from a legal and from a political standpoint, because it appeared to the public to be a cover-up on the part of the President. Haldeman testified that most of the discussion at the meeting concerned approaches to dealing with the situation, rather than a review of the facts.

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74.1 H.R. Haldeman calendar, March 22, 1973 (received from SSC).....	1253
74.2 John Ehrlichman log, March 22, 1973 (received from SSC).....	1254
74.3 John Dean testimony, Watergate Grand Jury, February 14, 1974, 17-18 (received from Watergate Grand Jury).....	1255
74.4 H.R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 36-38 (received from Watergate Grand Jury).....	1257
74.5 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 67-73 (received from Watergate Grand Jury).....	1260
74.6 H.R. Haldeman testimony, 7 SSC 2899.....	1267
74.7 John Ehrlichman testimony, 7 SSC 2745, 2853.....	1268
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1973 MARCH 1973						
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Thursday, March 22

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P.M. 4:00	P.M. 1:00
	1:15
	1:30
Sub-Car. Trip	1:45
1st & 2nd	2:00
1st & 2nd	2:15
	2:30
	2:45
1st & 2nd	3:00
	3:15
	3:30
	3:45
	4:00
	4:15
	4:30
	4:45
	5:00
Lunch	5:15
	5:30
	5:45
Evening	
	7:30
	7:45
	8:00
	8:15
	8:30
	8:45

*Clo for Current Day

WEDNESDAY, MARCH 21, 1973

8:15 HRH office
 9:00 President
 11:00 Albert Hall, Assistant Secretary of Defense, Intelligence
 11:45 Car at west basement
 12:00 Congressman Jack Kemp
 1:00 Lunch in Mess with Cole
 2:45 David Young
 3:00 Bernard Hillenbrand (NACO), Jim Falk
 ✓ 3:45-6 HRH, John Dean
 6:00 Bud Krogh
 7:00 Metropolitan Club - Gene Bradley dinner

THURSDAY, MARCH 22, 1973

✓ 8:30 Sub-Cabinet briefing - 450 EOB
 11:00 HRH office - Dean, Mitchell
 11:45 Car at west basement
 12:40 Sec. Shultz' plane arrival (Mrs. E on plane) - Andrews
 3:15 Secretary Shultz
 3:45 President, Shultz

FRIDAY, MARCH 23, 1973

✓ 11:45 President
 1:00 Depart west basement
 1:30 Depart Andrews, Jetstar 4200
 (Mr. and Mrs. E, Hullins, Zieglers, Gladden)
 3:00 Arrive Offutt AFB, Omaha (engine trouble)
 5:30 Depart Offutt
 7:00 Arrive San Francisco
 Stay Clift Hotel

MONDAY, MARCH 26, 1973

9:00 Depart San Francisco
 (Ehrlichmans (3), Hullins, Gladden)
 1:50 Arrive Kansas City (Forbes)
 2:20 Depart Kansas City
 5:40 Arrive Dulles, Page Airways

1 meeting with Mr. Haldeman and Mr. Ehrlichman, did you not?

2 A Yes, I did.

3 Q During the course of that meeting, was there any
4 discussion about what your preference might be as to Mr.
5 Mitchell's future actions?

6 A Yes, there was. The nature of that conversation
7 was that it was felt that Mr. Mitchell should be the one to
8 step forward and stand responsible for the entire Watergate
9 matter and that, if he did, the problems that had occurred
10 after June 17th would dissipate themselves and there would
11 be a satisfaction with somebody that was standing accountable
12 for the matter.

13 In other words, a big enough fish would have been
14 caught that the problem would have been resolved.

15 Q In other words, that would have taken public opinion
16 away from what might have occurred after the break-in, in
17 connection with the so-called cover-up?

18 A That is correct.

19 Q Now, on the 22nd of March, in the morning, did you
20 attend a meeting with Mr. Haldeman, Mr. Ehrlichman and Mr.
21 Mitchell?

22 A Yes, I did attend such a meeting.

23 Q Where did that take place?

24 A In Mr. Haldeman's office.

25 Q Do you recall any reference being made to Mr. Hunt's

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1 demands at any point in that meeting?

2 A Yes. I do recall very well the circumstances. It
3 was just as the meeting was starting. The participants --
4 the four of us -- were seated in the four chairs in front of
5 Mr. Haldeman's fireplace and Mr. Mitchell was directly across
6 from Mr. Ehrlichman and I was directly across from Mr. Halde-
7 man.

8 As we were sitting down, Mr. Ehrlichman had, in sort
9 of an offhand -- not particular focusing anyone's attention
10 on it -- manner, but something that everyone could clearly
11 hear, to Mr. Mitchell or just openly to the air, that he
12 wondered about Mr. Hunt's problem and how that was -- some-
13 thing to that effect -- and Mr. Mitchell responded, immediately,
14 that he didn't think that Mr. Hunt was a problem anymore.

15 Q Was the matter dropped at that point?

16 A That was all that was said.

17 Q Now, was there any discussion with Mr. Mitchell
18 about Mr. Mitchell coming forth in the manner which you had
19 discussed the previous afternoon?

20 A No. There was not. In fact, I had expected to
21 witness a rather spectacular show that morning, when they
22 presented this to Mr. Mitchell, and there was not so much as
23 a word mentioned to Mr. Mitchell that he should account for
24 himself.

25 Q Was some reference made later on during the course

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1 A Let me raise one other point that is not specifically
2 I guess in response to that, but very definitely I would
3 assume now relates to it which is that in the meeting with
4 John Mitchell, John Dean, John Ehrlichman, and myself, in my
5 office on March 22nd, which was the day following this, and
6 which was when John Mitchell came down for the meeting with
7 the President, we met separately before the meeting with the
8 President.

9 I do recall, and I think I have testified to an
10 interchange, as I recall it, between John Dean and John Mitchell
11 where the question was asked in some way, "What about the Hunt
12 problem?", and Dean saying, "What's the situation with Hunt?",
13 or "What's happened on Hunt's problem", or something, and Mr.
14 Mitchell saying something to the effect of , "That's no
15 problem", or, "That's taken care of", or "That's okay", or
16 something like that.

17 There was in no way, that I recall, any reference
18 to a payment having been made or not been made, or any specific
19 definition that that was what the Hunt problem was.

20 Looking back at it now, I assume that it was. I
21 can't confirm that it was.

22 Q Does that not refresh your recollection about your
23 conversation with Mr. Mitchell the previous day on the tele-
24 phone in which you invited Mr. Mitchell to Washington, and
25 more specifically, does it not refresh your recollection as to

DV

1 whether you asked Mr. Mitchell whether he was going to do
2 something about Mr. Hunt's problem?

3 A It does not. I don't recall discussing that.

4 Q Did you not learn that in substance on March 22nd,
5 that Mr. Hunt's demand had been in essence acceded to?

6 A I wouldn't say so, no. The only thing is I in
7 effect overheard a conversation between Mr. Dean and Mr.
8 Mitchell, as I just recounted.

9 Q You were all present, meeting together, were you
10 not?

11 A Yes, but in this meeting, as most of these meetings
12 are, people are in and out. There are side discussions.
13 People are on the phone during the meeting, and that sort of
14 thing.

15 This was a bilateral conversation between Mr. Dean
16 and Mr. Mitchell.

17 Q Well, it was fundamental to your meeting on the 22nd
18 as to what would be done with Mr. Hunt, or what position the
19 White House would take with respect to Mr. Hunt.

20 A No, that's not my recollection of the March 22nd.
21 It is not my recollection that that was fundamental or even
22 consequential. The points of those discussions on the 22nd
23 were on a much broader subject which was dealing with the
24 prime question of White House, and so on.

25 Q We have the tape of that meeting, Mr. Haldeman, with

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1 the President, but my question, if you listen to it carefully,
2 sir, dealt with the purpose of the meeting, and if it was not
3 fundamental that Mr. Hunt's problem or the question of how to
4 deal with Mr. Hunt was not fundamental to your having the
5 meeting, and most respectfully, if it was stated at the outset
6 of the meeting, which you have testified it was, that Mr.
7 Hunt's problem was no longer a problem for the White House in
8 essence, then you could move on to other things, could you
9 not?

10 A No. Let me correct an apparent misimpression there.
11 I don't believe it was stated at the outset. I believe it was
12 something that came up peripherally during the course of the
13 meeting. I don't think it was a part of the meeting-discussion
14 as such.

15 My recollection is that this was a side discussion
16 incidental to the meeting between Mr. Mitchell and Mr. Dean
17 at a point where maybe someone else had walked in or out of
18 the room, or something like that, or there was a phone call,
19 and they were conversing incidentally to the course of the
20 general discussion.

21 Q Mr. Haldeaman, isn't it a fact that in the course of
22 the meeting on the 21st with the President, the question of
23 whether or not to accede to Mr. Hunt's most recent demand was
24 a subject of discussion?

25 A In the Dean meeting with the President?

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13

1 Now you had that information for two days. My ques-
2 tion now is in your meeting with Mr. Mitchell -- Mr. Mitchell
3 Mr. Haldeman and Mr. Dean on March 22 -- did you ask Mr.
4 Mitchell whether Hunt's money problems had been solved?

5 A I did not.

6 Q Okay. Did you get into any discussion of the infor-
7 mation of the threat or the communication made from Mr. Hunt
8 through somebody, and finally Dean to you?

9 A I think I heard such a discussion, but I'm not sure
10 It was a very brief passage between Dean and Mitchell where
11 Dean asked Mitchell, as I recall, in very indirect terms, or
12 in a very indirect way, if that matter had been taken care of

13 When I say indirect, I don't think the word "Hunt"
14 was used. I don't think the word "blackmail" was used. But
15 in looking back on it, I assume that that is the meaning of
16 the remark.

17 Q What was said, the manner or the words said, that
18 caused you then and causes you now to relate that to Hunt's
19 threat?

20 A Well, that was on my mind at the time obviously.
21 Dean had said he was going to talk to Mitchell in our conver-
22 sation on the 20th, so when Dean said, "Is that taken care of
23 or "Is that matter taken care of?", or "Are you working on
24 that?", or something of that kind, I assumed that that's what
25 he was talking about.

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14

1 I didn't ask, and it wasn't explained, but if in
2 fact there was any comment at that meeting on that subject,
3 that was the only comment that I heard that could have related
4 to that.

5 Q Tell the ladies and gentlemen of the Grand Jury this,
6 Mr. Ehrlichman, and if you don't think this is a fair question,
7 then let me withdraw it.

8 On March the 20th, you had been told of what you
9 admit shook you, of a threat by Hunt to disclose certain
10 things if he didn't get paid what I would call a substantial
11 sum of money.

12 You heard, apparently from what you're telling me,
13 that Dean said in the course of this that he was going to
14 talk Mitchell about this, right?

15 A Right.

16 Q You knew that Mitchell had prompted fundraising
17 before by virtue of the Kalmbach contact. Two days later, you
18 hear Dean make or have some colloquy with Mr. Mitchell which
19 led you to believe that they were discussing that matter.

20 Did it occur to you to say, "Look men, now we can
21 be getting into a violation of law here if we do something
22 like this."

23 Do you consider that a fair question? Do you want
24 to share with the Jury your thoughts on that?

25 A It's a fair question. I had had that kind of a

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15

1 conversation with Dean already in which I had said to him
2 that I felt that this was blackmail that could not be counten-
3 anced, and we ought to just let the chips fall where they
4 might.

5 Q Did you have this conversation at the time Dean re-
6 ported this to you or some other time?

7 A No.

8 Q What other time did you have it?

9 A It had to be after. It was after I talked to
10 Krogh, and I think after I talked to both Krogh and Young be-
11 caused I wanted to take a look at our hold card. It had been
12 a long time since I had ever thought about the subject.

13 Q What was the hold card?

14 A Well, the question of the Plumbers operation, and
15 the antecedents of it, and how much could be exposed in nation-
16 al security matters that Hunt had familiarity with.

17 You see Hunt went out of my line of vision at some
18 point in 1971, and I was not sure how much Hunt might have
19 known about some of the things that particularly Young had
20 been involved with, and if he did go public on a thing of this
21 kind, just how much exposure there could be in terms of damage
22 from the national security standpoint, particularly.

23 I was also interested in my own exposure. So I
24 talked to both Krogh and Young to find out what Hunt knew, or
25 might think he knew, and how much they had shared with him on

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16

some of these things that we were still concerned about.

2

So I got assurances from them that right after this

3

Ellsberg business, that he no longer had been used in any of

4

these other things, particularly Young, but that also Krogh

5

had been involved in later, and that reassured me considerably

6

on that subject.

7

I felt after talking to both Krogh and Young that

8

I personally didn't have any problem, and so it was either on

9

the phone or in person, I'm not sure which, that I did indicate

10

to Dean that I thought we ought to just let her go.

11

Q Well, when you heard this comment, this conversation

12

between Mr. Mitchell and Mr. Dean on March 22, did it occur

13

to you to break in there and say, "Wait a minute"?

14

A It really didn't, and as I say, it was not a conver-

15

sation in which I was. It was something that I sort of over-

16

heard.

17

Q You were not in the chain of conversation?

18

A It was preliminary to our meeting, as I recall, when

19

the two of them first came in contact. But I heard this testi-

20

mony and I was trying to think back as to what in fact took

21

place there. I asked Haldeman about it, and what his recollec-

22

tion of it was, and I've been trying --

23

Q What was his recollection?

24

A Much the same as mine, that the conversation was

25

between Dean and Mitchell. He identified it as being related

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17

1 to the subject, and I am influenced in part by that.

2 Q Have you talked to Mr. Haldeman about this subject?
3 Mr. Haldeman was aware of this, right?

4 A I'm sure he was.

5 Q Did you tell him about it?

6 A I don't know whether I told him about it or somebody
7 else did.

8 Q Do you know whether anybody told him in your pre-
9 sence if you didn't tell him about it? I gather what you're
10 saying is that you may have told Haldeman and you may not
11 have.

12 A I don't think I told him, but I think we talked
13 about it.

14 Q All right. So then prior to March 22, Mr. Haldeman
15 was aware because of his conversation with you of the threat
16 being made?

17 A He was aware of it. Whether I talked to him prior
18 to that time or not, I don't know because I have only recently
19 discussed with him this allegation that you read off there.

20 Q What did he say prior to March 22 that caused you
21 to know that he was aware of the threat?

22 A He has told me since. I would have the impression
23 now that he was aware of it and that this remark was signifi-
24 cant to him in the light of what evidently was his prior
25 awareness.

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18

1 Q He has told you since that he heard Dean and
2 Mitchell have this side conversation?

3 A Right.

4 Q And that he was aware at the time that it concerned
5 -- or he thought at the time, or assumed at the time that it
6 concerned the threat by Hunt?

7 A Yes, but it didn't come quite that way. I asked him
8 whether he recollected a conversation between Dean and me at
9 that meeting such as Dean testified to, and he said, "No,
10 that conversation was between Dean and Mitchell."

11 Q Did he say anything else that would cause you to
12 assume that he was aware of the subject matter and knew what
13 they were talking about?

14 A No, but I assumed from that that he must have been.
15 I don't think that the conversation between Dean and Mitchell
16 was sufficiently in detail that somebody who wasn't aware of
17 the circumstances would have read that into it. That's what
18 I'm trying to say.

19 Q Which he did?

20 A Which evidently he did by what he has recently told
21 me.

22 Q All right. Let me ask you this question. You did
23 not, I gather, ask Mitchell whether Hunt's money problems had
24 been solved, and Mitchell did not respond to you that he did
25 not think it was a problem any further?

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19 1 A That's correct.

2 Q But according to your testimony, something like that
3 was said between Mitchell and Dean?

4 A I think it was less definite than that, less detail-
5 ed than that.

6 Q You didn't think it was a problem any further, or
7 something like that?

8 A I'm not sure that he said that. He did more than
9 just grunt affirmatively, but it wasn't much more than grunt
10 affirmatively. It was not an elaborate sentence as you have
11 read off there.

12 He gave some kind of an affirmative, put-off kind
13 of a response.

14 Q Did you know at this time, or did you learn a few
15 days later, that a package of money, approximately \$75,000
16 in cash, was delivered to Hunt?

17 A No.

18 Q On or around March 20 and 21, 1972?

19 A No.

20 Q When did you first hear of that?

21 A At the Ervin Committee hearings.

22 A JUROR: 1973.

23 MR. NEAL: I'm sorry, 1973. I beg your pardon. The
24 money was delivered in '73.

25 THE WITNESS: I had assumed and continued to assume

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Senator BAKER. Would you supply us with copies or the original so that we could have copies?

Mr. HALDEMAN. I believe—

Senator BAKER. I understand—has a copy been supplied to the committee?

Mr. DASH. It is being reproduced now.

Senator BAKER. Thank you very much.

Senator ERVIN. You may proceed with your original statement.

Mr. HALDEMAN. Thank you, sir.

Mr. Dean, Mr. Ehrlichman, and I met with the President later that afternoon of the 21st. That meeting dealt with the questions of the grand jury, the Senate committee, and executive privilege in connection with gathering the facts and getting them out. I think there was some discussion of Ehrlichman's theory that everybody should go to the grand jury; and Dean's reaction that that would be fine as long as we had immunity. Mr. Ehrlichman, as I recall, very strongly shot down that thought from Dean saying it did not make any sense at all. Dean has testified that he argued that the way to get the truth out would be to send everybody to the grand jury with immunity. That, in itself, is rather indicative of the different attitudes. Mr. Ehrlichman was arguing for going to the grand jury without immunity in order to get the truth out. Mr. Dean was arguing for going to the grand jury with immunity to get the truth out.

I recall an incident after that afternoon meeting that Mr. Dean also recalls, but he says it took place before and he sees it a little bit differently. I remember that Dean and Ehrlichman and I were standing on the top of the steps of the EOB, the Executive Office Building, outside the President's office. Dean said, sort of thoughtfully, that maybe the solution to this whole thing was to draw the wagons around the White House and let all the chips fall where they may, because that would not hurt anyone in the White House, nobody here had a problem—but his question was: What would that do in the way of creating problems for Mitchell and Magruder? The significance of that comment was that it still seemed to be clear in Dean's mind that the problem did not lie in the White House.

The next step was the meeting of Mitchell, Ehrlichman, Dean, and myself the next day with the President.

The four of us met first in the morning in my office and had some discussion of Dean's report to the President, although not in any detail. Most of the discussion was regarding approaches to dealing with the situation rather than a review of the facts of the situation.

Mitchell turned the discussion to the problem of executive privilege, and he argued very strongly that the position the President had taken and was maintaining regarding executive privilege appeared to the public to be a coverup on the part of the President and that it was bad politics, bad public relations, and a bad idea. Dean at that meeting again argued his idea of everybody going to the grand jury with immunity in order to get the facts out.

That was the day the news report was received regarding Pat Gray accusing Dean of having been a liar in some report he had given to the FBI. That interrupted the meeting and there was some discussion about it.

Mr. EHRLICHMAN. I do not think he knew about it either. I interviewed Strachan at great length and my notes are here and I asked him, because I was trying to find out about Mr. Haldeman, frankly. I said, "Tell me everything you know about how Haldeman might be tied into this thing," and he gave me four or five instances of some contact that Mr. Haldeman might have had with the Watergate business. There was not a scintilla of a mention of shredding documents anywhere in that.

Senator GURNEY. What you are saying is we may get different testimony from the next witness.

Mr. EHRLICHMAN. Well, and I am saying, too, that as we sat in this March 21 meeting, I do not think Mr. Haldeman or I had any contemplation that there was going to be a suggestion of our implication.

Senator GURNEY. Well, now, what did the President say to this difference of opinion between you and Dean on immunity?

Mr. EHRLICHMAN. He said that he would like to have us have a meeting with John Mitchell, and sit down and talk with him not only about that, about the basic question of whether staff should appear here or at the grand jury or both, but also recasting the administration's approach to the question of executive privilege because he knew Mr. Mitchell had very strong views on that.

Senator GURNEY. Did the meeting end on that note?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. All right. The next day you did have such a meeting, did you not?

Mr. EHRLICHMAN. Yes, we did.

Senator GURNEY. With the three of you and Mr. Mitchell?

Mr. EHRLICHMAN. Right, and then that meeting likewise went over to the President's office in the afternoon.

Senator GURNEY. Will you describe those two meetings?

Mr. EHRLICHMAN. I was only in a part of the first meeting held in Mr. Haldeman's office, that was the day Secretary Shultz came back from the monetary conferences and we were in the midst of a reexamination of phase III, the economic program, and I was sent to the airport to meet Secretary Shultz, ride back with him in a helicopter and bring him up to date on what the President wanted to meet with him about, and arrange for a time that afternoon when the Secretary could come over and we could have a further meeting and get into the work that had been in progress during his absence.

The Under Secretary—I guess it is called Deputy Secretary—of the Treasury, Mr. Simon, likewise rode back and we had that session.

So I joined, I rejoined, excuse me, the Dean-Mitchell-Haldeman meeting, not too long before it went over to the President's office.

Senator GURNEY. What transpired while you were there?

Mr. EHRLICHMAN. Sir?

Senator GURNEY. What transpired while you were there?

Mr. EHRLICHMAN. While I was there there was largely a discussion of executive privilege, and Mr. Mitchell's views that the Kleindienst testimony or—I do not remember whether he testified, but anyway, the administration position had been too restrictive, and that it was untenable both, he thought, from a legal standpoint and also from a political standpoint.

Mr. EHRLICHMAN. Well, in any event, the answer to your question is that I just really draw a blank on that. It doesn't relate to anything I can recall.

Mr. WILSON. May we have it now?

Mr. DASH. Yes. I have a copy, if somebody would take it for you to peruse.

Senator ERVIN. If it will refresh your recollection and, if so, I would like you to respond.

Mr. WILSON. May we keep that?

Mr. DASH. It is my only copy but I will make a Xerox copy for you.

Mr. EHRLICHMAN. Counsel, I don't recall ever either seeing this transcript or—

Mr. DASH. Mr. Wilson, would you like a copy of that?

Mr. WILSON. Please.

Mr. DASH. You can return it and we will see that you do get a copy.

You stated a little earlier prior to my showing you that document that Mr. Hunt was making a demand—either I get so much money or I will tell this or that. What conceivably could Mr. Hunt have told?

Mr. EHRLICHMAN. The way John Dean explained it to me, the threat was in terms of he would tell seamy things about what he did at the White House for Mr. Krogh and me. Now, I took that to refer to the California break-in which is the only thing I could think of that would—that he ever did at the White House for me of any kind for that matter. And I asked Mr. Dean if he knew what this was about and he said he assumed that that is what it was about.

Mr. DASH. Now, do you recall a meeting with Mr. Dean and with Mr. Mitchell, I think, probably on March 22. Did you ask Mr. Mitchell whether or not Hunt's demand had been taken care of?

Mr. EHRLICHMAN. I heard that testified in point of fact, my recollection of that is that that conversation was between Mr. Dean and Mr. Mitchell and it was Mr. Dean saying just, is that matter taken care of, without reference to Hunt or anybody, and Mr. Mitchell sort of grunting and saying maybe, or I guess so, or something very vague.

Mr. DASH. Did you learn about that time that in fact Mr. Hunt's demand had been taken care of?

Mr. EHRLICHMAN. No. In fact it wasn't until the testimony here that I was aware of that.

Mr. DASH. And did you have any knowledge or awareness of Mr. Fred LaRue's role—

Mr. EHRLICHMAN. No.

Mr. DASH [continuing]. In making those payments?

Did you by the way tell the President about the blackmail demand?

Mr. EHRLICHMAN. By the time I discussed it with him, he already knew of it.

Mr. DASH. Now, it appears from certainly the White House logs we have received, that after the La Costa meeting, some time after February 10, Mr. Dean's meetings with the President increased really significantly because he had very few meetings prior to that time and then they were quite frequent. Could you explain to your knowledge, if you have any, why that occurred?

Mr. EHRLICHMAN. Yes, sir, I think I can.

the President suggested that we have a meeting with Mitchell, Haldeman, and Ehrlichman to discuss how to deal with this situation. What emerged from that discussion after Haldeman came into the office was that John Mitchell should account for himself for the pre-June 17 activities and the President did not seem concerned about the activities which had occurred after June 17.

After I departed the President's office I subsequently went to a meeting with Haldeman and Ehrlichman to discuss the matter further. The sum and substance of that discussion was that the way to handle this now was for Mitchell to step forward and if Mitchell were to step forward we might not be confronted with the activities of those involved in the White House in the coverup.

Accordingly, Haldeman, as I recall, called Mitchell and asked him to come down the next day for a meeting with the President on the Watergate matter.

In the late afternoon of March 21, Haldeman and Ehrlichman and I had a second meeting with the President. Before entering this meeting I had a brief discussion in the President's outer office of the Executive Office Building suite with Haldeman in which I told him that we had two options:

One is that this thing goes all the way and deals with both the pre-activities and the postactivities, or the second alternative; if the coverup was to proceed we would have to draw the wagons in a circle around the White House and that the White House protect itself. I told Haldeman that it had been the White House's assistance to the reelection committee that had gotten us into much of this problem and now the only hope would be to protect ourselves from further involvement.

The meeting with the President that afternoon with Haldeman, Ehrlichman, and myself was a tremendous disappointment to me because it was quite clear that the coverup as far as the White House was concerned was going to continue. I recall that while Haldeman, Ehrlichman, and I were sitting at a small table in front of the President in his Executive Office Building office that I for the first time said in front of the President that I thought that Haldeman, Ehrlichman, and Dean were all indictable for obstruction of justice and that was the reason I disagreed with all that was being discussed at that point in time.

I could tell that both Haldeman, and particularly Ehrlichman, were very unhappy with my comments. I had let them very clearly know that I was not going to participate in the matter any further and that I thought it was time that everybody start thinking about telling the truth.

I again repeated to them I did not think it was possible to perpetuate the coverup and the important thing now was to get the President out in front.

MEETING OF MARCH 22

The arrangements had been made to have a meeting after lunch with the President with Ehrlichman, Haldeman, Mitchell, and myself. Mr. Mitchell came to Washington that morning for a meeting in Haldeman's office in which Ehrlichman, Mitchell, Haldeman, and

myself were present. I recall that one of the first things that Ehrlichman asked of Mitchell was whether Hunt's money problem had been taken care of. Mitchell said that he didn't think it was a problem any further. There then followed a general discussion of the status of the Senate hearings, and the discussion never got down to specifics.

It had been my impression that Haldeman and Ehrlichman were going to try to get Mitchell to come forward and explain his involvement in the matter. This did not occur. Mitchell said that he thought everything was going along very well with the exception of the posture of the President on executive privilege. He said that he felt that the President was going to have to back down somewhat or it would appear he was preventing information from coming out of the White House.

I recall that Ehrlichman left the meeting before it had terminated because he was going to meet Secretary Shultz, who was coming in from out of the country. I was also called out of the meeting about noontime when a message was sent to me by Ziegler that it was important he see me immediately. This had to do with the statement that was running on the wires that Gray had said that I had probably lied and Ziegler wanted to know how to handle it. Accordingly, I departed the meeting and went into a meeting with Ziegler and Moore to discuss Gray's comment. I returned to Haldeman's office where Mitchell and Haldeman and I had lunch.

During lunch there was some continued conversation about the general problems. Mr. Mitchell raised the fact that F. Lee Bailey, who had been very helpful in dealing with McCord, had a problem that he would like to bring up. He said that Mr. Bailey had a client who had an enormous amount of gold in his possession and would like to make an arrangement with the Government whereby the gold could be turned over to the Government without the individual being prosecuted for holding the gold. Mitchell was addressing his request for assistance to Haldeman but Haldeman was nonresponsive and the matter was dropped.

I again departed Mr. Haldeman's office to have further dealings with Moore and Ziegler and Haldeman told me that there would be a meeting in the President's EOB office about 1:30 and that I should come directly from Ziegler's office when I got my problem worked out regarding Gray's statement. I arrived about 1:30 in the President's Office but the President was not ready to hold the meeting yet.

The meeting with the President, Ehrlichman, Haldeman, Mitchell, and me was again a general discussion of the Senate Watergate hearings situation and, did not accomplish anything. Rather it was a further indication that there would be no effort to stop the coverup from continuing. I recall that Mitchell told the President that he felt that the only problem that he now had was the fact that he was taking a public beating on his posture on executive privilege; that the statement on executive privilege was too broad and that probably something should be done to change his posture on the matter.

Mitchell was not suggesting that members of the White House go to the Hill to testify, rather that some more cooperative position be developed to avoid the adverse publicity. It was at this time that the President said that Kleindienst was supposed to be working these things out with Senator Baker and he apparently had not been doing so. The President said that Timmons had told him that a member of

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Mr. Dean. No.

Mr. Shaffer. The answer is no.

Mr. Thompson. Did you ever express to anyone that if you went before the Grand Jury that you would want immunity?

Mr. Dean. No. In fact, when we get down into that --

Mr. Shaffer. That's a pretty broad question.

Mr. Thompson. Well, that's exactly how I want to put it.

Mr. Shaffer. I advise him not to answer that question on the grounds that it invades his own attorney-client privilege.

Mr. Dean. I thought the reference was to the White House.

Mr. Thompson. It was, actually.

Mr. Dean. And the answer to that is, I did not.

Mr. Thompson. I'll say, excluding the President, excluding any attorney-client privilege.

Mr. Dean. I even discussed that with the President and told him I was not seeking immunity.

Mr. McCandless. That's a conversation, there.

Mr. Thompson. Then, I believe, on the 22nd you had a meeting with Ehrlichman, Mitchell and Haldeman.

Mr. Shaffer. If you could speak up.

Mr. Dean. That was a meeting --

Mr. Dash. And with the President.

Mr. Thompson. First of all, with these people.

Mr. Dean. In the morning meeting there was a general discussion of the whole problem at that point in time. There

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was an effort evolving to get Mitchell to come forward in hopes that he would take the heat for the -- situation, and thereby avoid the problems of the Grand Jury, and others getting into the post-situation.

Mr. Thompson. Who was that, in effect?

Mr. Dean. This was discussed with Ehrlichman and Haldeman.

Mr. Thompson. What was Mitchell's response to that?

Mr. Dean. Well, I never confronted him with it, they didn't.

Mr. Thompson. This was something that they were hoping, but never really presented it to him?

Mr. Dean. That's right.

Mr. Thompson. Did you actually get into the discussion as to culpability of knowledge before June the 17th?

Mr. Dean. No.

Mr. Thompson. Could you be a little bit more specific as to who said what at that meeting?

Mr. Dean. Well, it was a very rambling meeting. I recall that at one time during the meeting Ehrlichman left to go to a meeting with Secretary Schultz who was coming in town, and the meeting continued with Haldeman and myself.

I at one point left the meeting when the wire services carried the story that Pat Gray said that I probably lied. It was a very rambling meeting about just the problems in

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general, and nothing specific. There was discussion about, you know, would the doctrine of White House privilege prevent the White House staff from appearing. There was a great interest developing, particularly on Mitchell's part, that I not testify in any form, at any time.

Mr. Thompson. Why?

Mr. Dean. Well because I had made it very clear to everybody that I was going to tell the truth.

Mr. Thompson. Did Mitchell ever express the idea that the President's claim of executive privilege would be a bad idea, it would be just as bad as taking the Fifth Amendment, in the public eye?

Mr. Dean. Yes, sir. He felt at that point in time that the beating that the President was publicly taking was because of his stance of executive privilege, and that something should be done to change the tenor of that; that some middle ground should be reached with interrogatories, or something other than flat-out refusal to send people to the Hill.

Mr. Thompson. Did Ehrlichman ever express the idea, either in this meeting, or any other meeting that one should come clean, and whoever had to be sacrificed should be sacrificed? Put his cards on the table, this sort of thing.

Mr. Dean. He did. It was raised to me, not by Ehrlichman directly, but by Haldeman, and the first time I heard about it was shortly after the election, when Haldeman told me about it.

answers relating to Mr. Magruder's testimony where I know damn well that he has transposed events and got them mixed into other circumstances.

Senator TALMADGE. Mr. Dean has testified before this committee that there was a meeting on March 22, 1973, where you met with him, Mr. Haldeman and Mr. Ehrlichman, and you said that there was no more money problems for Mr. Hunt. Did this meeting take place?

Mr. MITCHELL. The meeting had taken place, Senator, I covered this earlier this morning, and it is to this effect, the meeting took place prior to a meeting with the President. It was on March 22, those participating were Haldeman, Ehrlichman, Dean, and myself. Dean's testimony is to the effect that Ehrlichman asked me if Hunt had been paid or if his problems had been taken care of, and I am reported by Dean to have answered, yes, something. To the contrary, I deny that it ever existed as far as I am concerned, because I would not know whether Hunt's problems have been taken care of or not.

Senator TALMADGE. Then, you are telling this committee Mr. Dean was in error when he made this statement?

Mr. MITCHELL. This may be another one of these cases where on—

Senator TALMADGE. Intentions were good and his facts were wrong?

Mr. MITCHELL. Well, he probably got the parties mixed up. I do not recall ever having talked to John Ehrlichman about payment of money to anybody in connection with the Watergate case.

Senator TALMADGE. I believe you stated you later met with the President that day?

Mr. MITCHELL. Yes, sir, we did.

Senator TALMADGE. Mr. Dean said—he testified—you talked with the President about dealing with the Ervin committee at that point, is that correct?

Mr. MITCHELL. Excuse me, this is a side joke that we have, he is afraid I am going to pronounce the chairman's name wrong as I have from time to time.

The word "dealing" is a pretty broad term. Actually, the subject matters were a number that did have to do with the committee and it was also, of course, the basis, the subject matters were the basis for discussion that took place previously that morning among Haldeman, Ehrlichman, Dean, and myself in the meeting that we just got out of.

The real problem that was discussed at that particular time was the problem the President was having in connection with executive privilege and that was the real focal point of it and, of course, that was right in the middle of the Gray hearings where the concentration was on the executive privilege matter.

The other aspects of it were as to who was to be the liaison in connection with the White House working with this committee up here, and I believe that Mr. Dean is correct in his testimony that during that meeting the President called Mr. Kleindienst to ask him if he had met with the chairman and the vice chairman of the committee on the subject matter to start discussing these matters of executive privilege and the other relationships in that area.

Senator TALMADGE. Did you convince the President at that time that he ought to waive executive privilege?

Mr. MITCHELL. I urged it.

75. On or about March 22, 1973 John Ehrlichman met with Egil Krogh at the White House. Ehrlichman assured Krogh that Howard Hunt was stable or more stable, that his recommendation was just to hang tough, and that Hunt was not going to disclose all.

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but I was not told this specifically as to who would be involved in those meetings.

Q So what you're saying is that you would not do anything with respect to going over to the Justice Department or to the Prosecutors until at least Mr. Mitchell arrived in Washington and it was learned how this Hunt demand would be handled or how it had been handled?

A That's correct.

Q Now, did there come a time thereafter when you spoke to Mr. Ehrlichman again?

A Yes, sir. After that discussion with him on Wednesday, the 21st, I went home. I stayed away from the Department of Transportation all day on Thursday the 22nd.

Q At that time, you were Under Secretary of the Department of Transportation?

A I was Under Secretary of the Department of Transportation, and I called in and said that I was not feeling well, which was true, and was literally awaiting the outcome of those meetings on Thursday.

Q And did you then have a telephone conversation with Mr. Ehrlichman on the 22nd?

A Yes, sir, I did. It was in the late afternoon sometime. I received a call from him and he indicated to me that Mr. Hunt was, apparently, stable or more stable and that his recommendation would be just to hang tough -- that's the

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1 precise words that he used in that telephone conversation.

2 Q Did Mr. Ehrlichman indicate to you that he had
3 learned from Mr. Mitchell, in substance, that Mr. Hunt was
4 not going to blow?

5 A That is correct. I'm not sure exactly what the
6 words were that he used, but the clear impression I derived
7 was that Mr. Hunt was stable and that he was not going to
8 disclose all, and I believe the opportunity would have been
9 the next day at his sentencing hearing in the U. S. Court-
10 house.

11 Q Now, did you, thereafter, have a telephone conversa-
12 tion with Mr. Dean?

13 A Yes, sir, I did. I'm not sure whether he initiated
14 it or I did, but, in any event, as I had had an independent
15 conversation with Mr. Dean earlier in the week, I wanted to
16 find out from him what he felt would be the appropriate thing
17 to do.

18 It was a short conversation. He told me, "Bud, now
19 is not the time to do anything rash." Which I interpreted to
20 mean, do nothing, and I didn't.

21 Q And that was also in the context of Mr. Hunt not
22 going to blow the lid off, at least on any eminent prediction
23 of time?

24 A I assume that is so.

25 MR. BEN-VENISTE: I have no further questions at

Mr. DASH. Would it?

Mr. EHRLICHMAN. That would be my assumption, yes.

Mr. DASH. Would it not be in preparation for the drafting of such a memo to get your specific approval in writing?

Mr. EHRLICHMAN. No, that is not ordinarily the way we did business. The only time I would be asked for something like this is if they had trouble getting in to see me, that they wanted to set up an agenda so that when we did get together, we hit a number of topics, and so on.

Mr. DASH. Now, do you recall that on March 27, Mr. Young had a meeting with you at a time when he was leaving the White House?

Mr. EHRLICHMAN. We had a meeting around that time.

Mr. DASH. March 27, 1973. And do you recall that you asked him to pull together a number of the papers that the special investigative unit had kept, and that he did? Do you recall that?

Mr. EHRLICHMAN. I think I asked him to put all of them together, yes.

Mr. DASH. He brought them to you in a bag?

Mr. EHRLICHMAN. In a bag? No, I do not—I think my request to him was that since he was leaving, all of the special unit's documentation should be gathered in one place so that it could be transferred to the President's file.

Mr. DASH. But you reviewed them before they were transferred?

Mr. EHRLICHMAN. No, there were drawers of them.

Mr. DASH. Do you recall receiving a number of papers from Mr. Young and then returning them minus this memorandum and another, which I will ask you about?

Mr. EHRLICHMAN. No. The receipt of documents, as I recall, was in Krogh's—this document has been in my files and I saw it there the other day.

Mr. DASH. I will just put the question to you so you can answer it. Do you know if Mr. Young raised the question concerning the memorandum and that you said it was too sensitive a memorandum and that you had retained it?

Mr. EHRLICHMAN. No. No. First, I know I have had in my files, actually unknown to me, this and a number of other documents relating to the Ellsberg matter. I do not know for how long, and I do not know from what source. I do know that at the time that Mr. Young was leaving, we asked that he pull together everything, and I believe he turned all of his documents over to Todd Holland in my office.

Mr. DASH. Do you recall telling Mr. Young, in that meeting on the 27th, that you suspected that Hunt may be going public in California on this operation, and that Mr. Young was deeply concerned that this may be possible?

Mr. EHRLICHMAN. No, the—well, what I told him was not on the 27th. As I recall, it was earlier than that. I had an appointment with Mr. Young shortly after Mr. Dean came in to say that the White House was being blackmailed by Hunt. And I reviewed with both Krogh and Young—because this was all quite dim in my recollection—what it was that Mr. Hunt might say, what the national security aspects of this were again, and went over the whole ground with them in the light of the blackmail attempt. Now, that must have been on the 20th or the 21st or not later than the 22d of March.

Mr. DASH. Well, do you recall telling Mr. Young that Mr. Krogh was going to be taking the responsibility for that and that Mr. Young reminded you that maybe Mr. Hunt or some others made some copies of this memorandum? And that you indicated that, well, if that was so, the position to take would be that it would be a national security matter and you would button up?

Mr. EHRLICHMAN. No. The conversation, basically, was for me to inquire of Mr. Young to get as much information as I could about what it was that Mr. Hunt was, in effect, threatening to say. And he went into this in considerable detail with me at that time—that is to say, the general subject matter.

Mr. DASH. Now, did you also indicate to him that the President knew about this and had fully authorized it or had felt that it was a perfectly legal matter at that time?

Mr. EHRLICHMAN. If—I may have. I well may have, because in that period of time, 20, 21, 22 March, somewhere in there, I did have a conversation with the President about this.

Mr. DASH. By the way, did you also receive a memorandum suggesting that there would be a congressional investigation about the Ellsberg affair?

Mr. EHRLICHMAN. I have had a memorandum in my file from Mr. Colson on that subject. I do not know if that is the one to which you refer.

Mr. DASH. Did you ever receive one from Mr. Young?

Mr. EHRLICHMAN. About a congressional investigation?

Mr. DASH. Yes, suggesting that Mr. Mardian and others might be involved in this.

Mr. EHRLICHMAN. I may have, but that goes way, way back in time. I have not seen anything like that.

Mr. DASH. Dated August 26, 1972.

Mr. EHRLICHMAN. I well may have.

Mr. DASH. Do you recall having received this memorandum?

Mr. EHRLICHMAN. It has my initial on it. I do not have a present recollection of the document.

Mr. DASH. Do you also note that there is an attached memorandum on the same date for Mr. Colson from you, Mr. Ehrlichman, subject, "Hunt/Liddy special project."

And I quote:

On the assumption that the proposed undertaking by Hunt and Liddy would be carried out and would be successful, I would appreciate receiving from you by next Wednesday a game plan on how and when you believe the materials should be used.

Do you recall that?

Mr. EHRLICHMAN. Yes, I have seen that recently on going back into the files.

Mr. DASH. Now, I just have one last question. There are others, Mr. Ehrlichman, that I would like to get into, but I have taken sufficient time and I will have a chance to question you later. But you also indicated this morning when I put the question to you whether you were concerned whether or not the so-called entry, whether you call it the Ellsberg break-in in this particular case, it was a break-in, the Ellsberg break-in, would become known publicly, whether that would be em-

